659079

Bound
Periodical

Kansas City
Public Library

THE SCHOOL DISTRICT OF KANSAS CITY, MISSOURI

This Volume is for

REFERENCE USE ONLY

10 29—6m—P

PUBLIC LIBRARY
KANSAS CITY
MO

PUBLIC LIBRARY
KANSAS CITY
MO

PUBLIC LIBRARY
KANSAS CITY
MO

PUBLIC LIBRARY

NATIONAL MUNICIPAL REVIEW

1929

VOLUME XVIII

January	1 – 62	July	431 – 492
February	63 – 152	August	493 – 546
March	153 – 220	September	547 – 596
April	221 – 282	October	597 – 658
May	283 – 356	November	659 – 728
June	357 – 430	December	729 – 790

NATIONAL MUNICIPAL LEAGUE
261 BROADWAY
NEW YORK

AP 21 '30

Bound
Periodical
659079

INDEX

NATIONAL MUNICIPAL REVIEW

VOLUME XVIII, 1929

AUTHORS

Aldis, Graham........ 513
Ascher, Charles S........ 442
Austin, David S........ 786

Bassett, Edward M........ 429
Bauer, John........ 314, 458
Baumes, Harold I........ 522
Bayard, C. C........ 568
Beckman, R. O........ 232
Bentley, Henry........ 65
Bibbins, J. Rowland........ 517, 563
Binkley, W. E........ 569
Bond, Elsie M........ 617
Boots, Ralph S........ 253, 749
Bradley, Rolland........ 654
Brunker, Albert R........ 663
Buck, A. E........ 352
Buttenheim, Harold S........ 500

Caparn, Harold A........ 366
Carter, Leyton E........ 464
Citizens' League of Cleveland........ 203
Cline, D. I........ 289
Comey, Arthur C........ 435
Cornick, Philip H........ 242, 310
Crosser, C. A........ 62

Darmstadter, Doris........ 426
Douglas, Paul H........ 669
Dykstra, C. A........ 348

Egger, Rowland A........ 237
Errant, James........ 278
Esterline, J. W........ 349
Evans, Harold........ 657

Fairweather, George O........ 675
Faust, Martin L........ 529
Fesler, Mayo........ 277, 427, 601
Forbes, Russell........ 632, 725, 726
Ford, George B........ 742
Freeman, Harry H........ 789

Gibbon, I. G........ 555
Goodrich, Ernest P........ 94
Griffenhagen, Edwin O........ 690
Guild, F. H........ 319
Gulick, Luther........ 3, 168

Hallett, George H., Jr........ 198, 351
Harley, Herbert........ 227
Harris, Joseph P........ 549
Hines, William M........ 163
Horgan, John J........ 287
Huus, Randolph O........ 289, 786

Jacobs, J. L........ 696
James, Harlean........ 447
Jones, Howard P........ 347, 359, 576
Jones, J. Catron........ 278
Jones, O. Garfield........ 609

King, Clyde L........ 425
Knox, Roy A........ 437
Krueger, Maynard C........ 294, 347

Lambie, Morris B........ 425
Lancaster, Lane W........ 440, 744
Langworthy, Mrs. B. F........ 703
Lefkovitz, Herbert........ 497
Lovett, William P........ 16, 428, 574, 725, 789
Lynagh, Paula........ 120
Lynagh, Vincent........ 120, 737

Malcolm, James........ 75
Manning, J. W........ 225
Marsh, H. W........ 363
Martin, Edward M........ 277, 543
Martin, James W........ 613
Matscheck, Walter........ 453
Maxwell, Bertram W........ 733
McCombs, Carl E........ 451
McGahen, R. E........ 429
McGoldrick, Joseph........ 125, 349, 350, 594, 654, 787
McKinley, Charles........ 509
Michelsen, B. Frank........ 377
Miesse, Harry........ 489

Miller, Joseph T. 603
Moser, Earl L. 629
Mosher, W. E. 21

Nanry, W. H. 59
Newman, Bernard J. 488
Nolen, John 120

O'Shaughnessy, M. M. 242

Pollock, James K., Jr. 505
Porter, Kirk H. 5
Powell, William B. 157
Pratt, Hazen C. 87
Pratt, L. O. 788
Purdy, Lawson 305

Quigley, John J. 558

Reed, Thomas H. 385
Rees, John O. 681
Ridley, C. E. 26
Rightor, C. E. 391, 753
Robson, William A. 300
Rosewater, Victor 158

Sherrill, C. O. 525
Simpson, Herbert D. 171
Smith, Bruce 347
Stirling, V. R. 369
Stone, Harold A. 82, 174

Taylor, Eugene S. 371
Toll, Rensselaer H. 369

Wager, Paul W. 8
Wait, J. Russell 381
Walker, Harvey 249, 491, 565, 656
Walker, Thomas J. 790
Wells, Roger H. 29, 623
Wilson, Russell 68

TITLES AND SUBJECTS

Add Professional Publicity Official to List of Municipal Executives 576
Administration:
  Administrative Maps 54
  Diploma in Public Administration 55, 193
  Exhibition of Office Facilities 782
  Extra-Municipal Administration of Radburn 442
  New Remedy for Civitosis 495, 513
  Polish Congress of Administrative Sciences 270
  Professional Standards 338
  Reflections on Administration 270
  Residential Restrictions Removed 782
  Saint Paul Cleans Up Its Welfare Administration 497
  Simplification of Government in Metropolitan Chicago 696
Advantages of Voluntary Replatting 222
Africa:
  Town Planning in Central Africa 656
Airports (see Public Improvements).
Akron, Ohio:
  Bureau of Municipal Research, Akron Chamber of Commerce 590
Annals of Collective Economy 54
Appraising Municipal Reports 26
Assessment:
  Assessment of Real Estate and Buildings in Rochester, New York 87
  How Chicago Awoke to Need for Honest Assessments 675
  Reassessment of Real Estate in Cook County 681
Australia:
  Public Employment Management in the Australian States 21
Automobile Testing Stations 657

Balancing Prevention with Fighting within the Fire Department 82
Baltimore, Maryland:
  Commission on Governmental Efficiency and Economy 420
Barber Shop Opinion and Rapid Transit in Detroit 359
Barber Shop Opinion vs. the Stay-at-Home Vote 548
Bassett, Death of William A. 432
Belgium:
  Advantages of Joint Contracts for Public Utilities 481
  Coöperative Undertakings 720
  Mutual Insurance 483
Billboards:
  Anti-Billboard Legislation in New Jersey 280
  Billboards—Not to Be Classed as Buildings 41
  Public Control of Advertising 192

Scapa Helps Scrap Billboards....... 366
Board of Estimate and Apportionment of New York City................ 125
Bonded Debt of 241 Cities as at January 1, 1929....................... 391
Bonds (see Finance—Bonds and Debts).
Borough Government Considered for St. Louis Region................. 357
Boston, Massachusetts:
  Boston Again Proves Faithful to Curley 788
  Boston Finance Commission......274, 340
Both Sides Win—Worcester Electric Rate Case...................... 314
Budgets (see Finance—Budgets).
Buffalo, N. Y.:
  Buffalo Election.................. 789
  Municipal Research Bureau, Inc...50, 275, 590, 651
Building Activity to Continue on Large Scale in 1929.................... 199
Bureau of Public Personnel Administration........................357, 657
Bureaus of Municipal Research (see names of cities or bureaus).

California:
  California Taxpayers' Association..50, 112, 194, 275, 340, 420, 539, 590, 783
  Special Assessments in California.... 595
  Two City-Manager Charter Elections in San Mateo County........... 487
Canada:
  Citizens' Research Institute of Canada 50, 195, 275, 340, 540, 722
  Public Operation Versus State Regulation: Two Hydro-Electric Systems Compared................. 75
Charleston (S. C.) Port Development under Public Ownership........... 381
Charters:
  Charter and Bond Issue Referenda in San Francisco.................. 59
  Charter Committee Wages Third Campaign for Council........... 656
  Charter Forces Victorious in Cincinnati......................... 786
  Charter for the Metropolitan City of Pittsburgh....................... 426
  City Manager Charters Retained in November Election............. 60
  Cleveland Again Defeats Attack on City Manager Charter........... 601
  Detroit's Mayoralty Primary and Defeated Charter Amendments ... 725
  Home Rule—Amendment of Charters 640
  Philadelphia Begins Drive for City Manager Charter............... 121
  Philadelphia Charter Bill Defeated.. 351
  Philadelphia Striving for a C. M.-P. R. Charter.................. 198
  Pittsburgh Consolidation Charter... 603
  Pittsburgh Metropolitan District Charter...................... 431
  Power of Cities to Administer Charitable Trusts................... 711
  Resubmission of the Pittsburgh Metropolitan Charter............... 729
  Saint Paul Considers Council-Manager Charter.................. 727
  Saint Paul Proposes to Divorce Schools from City Government.... 544
  Two City-Manager Charter Elections in San Mateo County (California). 487
  Voters Turn Thumbs Down on Pittsburgh's Metropolitan Charter..... 529
Chicago:
  Chicago Aldermanic Election....... 277
  Chicago Clean-up Continues....... 61
  Chicago Number (of NATIONAL MUNICIPAL REVIEW).............. 659
  Chicago Sanitary District under Attack....................... 543
  Chicago's Persistent Traction Problem 669
  Chicago's Superhighway Plan....... 371
  How Chicago Awoke to Need for Honest Assessments............. 675
  Merit System in Chicago and Cook County........................ 690
  Reassessment of Real Estate in Cook County........................ 681
  Simplification of Government in Metropolitan Chicago............... 696
  Thwarting Official Crime and Corruption in Chicago.............. 663
  University of Chicago to Hold Police Conference.................... 655
Cincinnati:
  Automobile Testing Stations....... 657
  Charter Committee Wages Third Campaign for Council........... 656
  Charter Forces Victorious in Cincinnati......................... 786
  Cincinnati Acts to End Unemployment......................... 281
  Cincinnati Bureau of Governmental Research...................... 722

Cincinnati Conference on County Government 201
Cincinnati Firemen Become Policemen 354
Cincinnati Proposes to Reduce Taxes. 545
Cincinnati's City Workhouse 525
Cincinnati's Negro Problem 546
Citizen Support of Bond Issues 1
City Manager Sherrill Congratulated 121
How Cincinnati's New Government is Improving Civil Service Morale . . . 232
Municipal Election Results 730
Our American Mayors:
XV. Murray Seasongood of Cincinnati 68
Salesmanship and Cities 493
What P. R. Has Done for Cincinnati. 65
City Housing Corporation 280
City Managers and City Manager Government:
Candidates Promise to Surrender Salaries to Employ City Manager . . 728
Charter Committee Wages Third Campaign for Council 656
Charter Forces Victorious in Cincinnati 786
City Manager Charters Retained in November Election 60
City Manager Forces Victorious in Indiana Legislature 349
City Manager Plan—Indiana Law Declared Invalid 774
City Manager Plan in Kentucky 278
City Managers and the Merit System 547
City Managers' Association Moves to Chicago 427
City Manager Sherrill Congratulated 121
Cleveland Again Defeats Attack on City Manager Charter 601
Cleveland Considers Abandoning Manager Plan 432
Cleveland Elects Promising Council . . 786
Cork City Manager Plan—An Irish Experiment 287
Cork's First Election under the Manager Plan 487
Cork to Have City Manager 153
Court Invalidates Indiana C. M. Law 659
Five Years of City Manager Government in Cleveland 203
Grand Rapids and the Manager Plan 434
Grand Rapids Assistant Manager Talks Sense 594
Grand Rapids Takes Leap in the Dark by Appointing Political Boss 428
Manager Government Preserved 656
Philadelphia Begins Drive for City Manager Charter 121
Philadelphia Charter Bill Defeated . . 351
Philadelphia Striving for a C. M.-P. R. Charter 198
Philadelphia Politics and the C. M.-P. R. Plan 154
Proposal to Adopt the Manager Plan in Terre Haute 596
Rigsby (R. W.), for Eight Years City Manager of Durham, N. C. 434
Saint Paul Considers Council-Manager Charter 727
Sixteenth Annual Convention of International City Managers' Association 729
Two City-Manager Charter Elections in San Mateo County (California). 487
Two Victories for Manager Plan 354
Victories and Reverses for C. M. Plan 358
Wheeling Experiments with Mayor-Manager 496
Winnetka, the Model Village 703
City Planning (see Planning).
Civil Service (see also Officers):
City Managers and the Merit System 547
Constitutional Amendments Proposed by New York Legislature . . . 429
Court of Appeals 719
Exchange Officials 720
Federal Government Extends Veterans' Preference 223
How Cincinnati's New Government is Improving Civil Service Morale . . . 232
Low Prestige Value of Governmental Employees 661
Merit System in Chicago and Cook County 690
Merit System Reported a Farce in Cuyahoga County 727
Personnel Administration 719
Philadelphia Civil Service Commission Faces Loss of Trial Board Powers 199
Public Employment Management in the Australian States 21
Recruitment of Local Officials 419
Residential Restrictions Removed . . . 782
Self-imposed Professional Standards. 648
Standard Salary Scales 719
Superannuation 721
Superannuation of Local Officials . . . 193
Veteran Preference Again Up in New York 728

Cleveland, Ohio:
  Cleveland Again Defeats Attack on City Manager Charter........... 601
  Cleveland Considers Abandoning Manager Plan.................. 432
  Cleveland Election Frauds......... 277
  Cleveland Elects Promising Council 786
  Cleveland Gas Service Threatened... 714
  Election Frauds and Councilmanic Scandals Stir Cleveland.......... 289
  Five Years of City Manager Government in Cleveland.............. 203
  Merit System Reported a Farce in Cuyahoga County.............. 727
  Municipal Election Results......... 730
  Progress toward Metropolitan Government in Cleveland and Cuyahoga County.................. 464
Commission Government in England and Ireland....................... 191
Comparative Tax Rates of 235 Cities, 1929............................ 753
Connecticut:
  Connecticut Judicial Council Reports 440
  Waterbury Studies Its Government.. 596
Consolidation of New York City Hospitals............................ 451
Contracts:
  Contracts—Capacity of Parties. Collateral Attack on Special Assessment Warrants................. 187
  —Surrender of Governmental Powers —Requirement of Competitive Bidding........................... 184
  Powers—Statutory Methods of Contracting Must Be Strictly Followed 710
  Quasi-Contract—Liability of Municipality for Services Rendered or Material Furnished................ 410
  Ultra Vires Contract: Recovery Against City for Benefits Received Under an Invalid Agreement...... 773
Coöperative Undertakings........... 720
Cork, Ireland (see Irish Free State).
Corruption:
  Chicago Clean-up Continues 61
  Chicago Sanitary District under Attack.......................... 543
  Cleveland Election Frauds......... 277
  Election Frauds and Concilmanic Scandals Stir Cleveland.......... 289
  Election Frauds in Philadelphia..... 294
  False Propaganda................. 222
  Graft in Pasadena................ 656
  Graft Number of NATIONAL MUNICIPAL REVIEW................ 285
  Notes from Los Angeles 348
  Philadelphia Grand Jury Reports on Crime and Corruption........... 347
  Pittsburgh Reëlects Mayor Kline ... 749
  Saint Paul Cleans Up Its Welfare Administration................... 497
  Scandal in Chicago Sanitary District 201
  Thwarting Official Crime and Corruption in Chicago................ 663
County Government:
  Attacks on County Government Renewed.......................... 122
  Cincinnati Conference on County Government.................. 201
  County Government Reform Proposed in Ohio................. 122
  County Manager................. 2
  County Manager Bill Before the Oklahoma Legislature............... 278
  Court Decision on Purchasing Law.. 726
  Improving County Government in North Carolina................. 8
  Manager Plan Appropriate for Counties 237
  Streets and Highways—Statutory Liability of Counties for Care in Highways..................... 642
  Wet Blanket on the County Manager Plan........................ 5
Courts:
  Connecticut Judicial Council Reports 440
  Court of Appeals................. 719
  Important Judicial Decisions....... 599
  In-Justices of the Peace............ 225
  Justices of the Peace of Mercer County, New Jersey............. 221
  Police Court Justice at Home and Abroad...................... 223
  Police Court Justice in England..... 227
  Prosecuting Attorney in Ohio—An Obsolete Officer................ 569
  Remedies—Original Federal Jurisdiction in Controversies Involving the Constitutionality of Municipal Action......................... 713
  Thwarting Official Crime and Corruption in Chicago................ 663
Covington, Kentucky:
  Candidates Promise to Surrender Salaries to Employ City Manager.. 728
Crime and Criminal Law:
  Important Crime Bills Pass in New York—Others Fail............. 347

- Modern Technique of Crime Detection 270
- Philadelphia Grand Jury Reports on Crime and Corruption 347
- Reforms in Criminal Procedure before New York Legislature 200
- Sad Fate of Crime Bills in State Legislatures 284
- Thwarting Official Crime and Corruption in Chicago 663

Debts (see Finance—Bonds and Debts).

Delaware:
- Taxpayers' Research League of Delaware 112, 194, 341, 421, 484

Democratic Party in Maine 744

Des Moines, Iowa:
- Des Moines Bureau of Municipal Research 51, 421, 485, 540, 783

Detroit, Michigan:
- Barber Shop Opinion and Rapid Transit in Detroit 359
- Detroit Bureau of Governmental Research 113
- Detroit Controls Pedestrians 122
- Detroit Elects Bowles 789
- Detroit Police Department 221
- Detroit Rejects Subways 347
- Detroit's "Barber Shop" Vote—A Reply 574
- Detroit's Mayoralty Primary and Defeated Charter Amendments 725
- Our American Mayors:
  - XIV. John C. Lodge of Detroit 16
- Subways Rejected by Detroit Voters 415

Education:
- Bureau of Public Personnel Administration 357
- Diploma in Public Administration 55, 193
- Extension Courses 418
- Municipalities as Art Patrons 598
- New School for Public Service 490
- Politics in New York City Schools 363
- Saint Paul Proposes to Divorce Schools from City Government 544
- School of Citizenship and Public Administration 728
- Stanford University 121
- Wanted: A Measuring Stick for School Systems 3

Elections and Voting (see also Charters):
- Barber Shop Opinion vs. the Stay-at-Home Vote 548
- Boston Again Proves Faithful to Curley 788
- Buffalo Election 789
- Chicago Aldermanic Elections 277
- Citizens' League of Kansas City 657
- Cleveland Election Frauds 277
- Cleveland Elects Promising Council 786
- Cork's First Election under the Manager Plan 487
- Detroit Elects Bowles 789
- Detroit's Barber Shop Vote—A Reply 574
- Detroit's Mayoralty Primary and Defeated Charter Amendments 725
- Editor Returns and Reports 63
- Election Frauds and Councilmanic Scandals Stir Cleveland 289
- Election Frauds in Philadelphia 294
- English General Election of 1929 505
- Local Elections in England 727
- Municipal Election Results 730
- New Election Code for Ohio 427
- New York to Keep Walker for Four Years More 787
- Permanent Registration for Michigan 428
- Permanent Registration for Voting in German Cities 623
- Pittsburgh Reëlects Mayor Kline 749
- Recent British Election Renews Discussion of P. R. 494
- Voting Machines Adopted in Pennsylvania 790

England (see Great Britain).

Essentials of an Effective Fire Prevention Bureau 174

Excess Condemnation as an Aid to Housing 433

Extra-Municipal Administration of Radburn 442

Fall River, Massachusetts 728

Federal Government:
- Federal Government Extends Veterans' Preference 223
- Federal Taxation—Profits from Sale of Municipal Securities 711
- Powers—Subordination to Federal Laws—Effect of Ordinance upon Maritime Immunity 184
- Remedies—Original Federal Jurisdiction in Controversies Involving the Constitutionality of Municipal Action 731

Finance—General:
Attachment of Municipal Property by a Foreign Jurisdiction 773
Excess Condemnation as an Aid to Housing 433
Excess Condemnation—Recoupment of Costs 639
Grants by Central Government to Local Authorities 721
Improving County Government in North Carolina 8
Municipal Insurance 337
New Local Government Reforms in England 300
New York City's Income 168
Public Credit for Water Power Development 45
Report on Model Accounts 656
Salary Standardization 339
Schenectady's Long-Term Financial Program 522
Standard Salary Scales 719
Finance—Bonds and Debts:
Bonded Debt of 241 Cities 391
Charter and Bond Issue Referenda in San Francisco 59
Citizen Support of Bond Issues 1
Fall River, Massachusetts 728
Federal Taxation—Profits from Sale of Municipal Securities 711
Indebtedness—Attempt to Evade Constitutional Limitations 101
Indebtedness—Creditors' Rights upon Change of Boundaries 330
New Loans Will Raise Taxes 597
North Carolina Modifies State Supervision over Municipal Debts 546
Regional Variation in Municipal Borrowing Rates 629
Saint Paul Adopts New Civic Program 61
Special Assessments—Direct Liability upon Bonds Issued 410
Finance—Budgets:
Budget Fight in New York State 352
Clarifying the Budget 111
Long-Term Budget Proposed for Michigan 279
Finance—Taxation (see also Assessment):
Automobiles—Effect of State License Tax on Powers of Municipality 772
Cincinnati Proposes to Reduce Taxes 545
Comparative Tax Rates of 235 Cities, 1929 753
Federal Taxation—Profits from Sale of Municipal Securities 711
Five Years of Taxation in Indiana 489
Local Taxation: Recent Changes in England and Wales 555
New Illinois Gas Tax Law 613
New Loans Will Raise Taxes 597
New York City's Income 168
Pittsburgh's Graded Tax Rate 153
Single Tax Again 649
South Dakota State Chamber of Commerce 221
Taxation in the Proposed Metropolitan District of Pittsburgh 385
Ultra Vires Contract: Recovery Against City for Benefits Received under an Invalid Agreement 773
Fire Protection:
Balancing Prevention with Fighting within the Fire Department 82
Better Utilization of Firemen 271
Cincinnati Firemen Become Policemen 354
Energetic Action Defeats Increase in Fire Insurance Rates in Minnesota 425
Essentials of an Effective Fire Prevention Bureau 174
Minnesota League Saves State $566,000 in Fire Insurance Rates 60
Mutual Insurance 483
Five Years of City Manager Government in Cleveland 203
Five Years of Taxation in Indiana 489
Forecasting City Growth 563
Fort Worth, Texas:
Good Government League of Fort Worth 485, 784
France:
French Congress of Mayors 270

Gas Attacks 110
Germany:
Berlin Acts to Reduce Danger of Skidding 647
Better Utilization of Firemen 271
Cities as Real Estate Owners 109
Clarifying the Budget 111
Consumption of Gas 782
Exchange Officials 720
Exhibition of Office Facilities 782
Extension Courses 418
German Monographs 59

- German Municipal League 780
- Grants by Central Government to Local Authorities 721
- Illumination of House Numbers 418
- Initiative, Referendum and Recall in German Cities 29
- Modern Technique of Crime Detection 270
- Municipalities as Art Patrons 598
- Municipal Press Bureaus 108
- Permanent Registration for Voting in German Cities 623
- Public Ownership 108
- Public Responsibility for the Movies 191
- Public versus Private Production of Electricity 482
- Regional Planning 781
- Replatting to Cure Past Mistakes 731
- Residential Restrictions Removed 782
- Self-Government and the Metropolitan Area 780
- Sludge Disposal in Germany 272
- "Sports Physician" 337
- State-wide Organization of State Aid 54
- *Zeitschrift für Kommunalwirtschaft* 721

Glasgow the Practical 447

Governors (see State Government).

Graft (see Corruption).

Grand Rapids, Michigan:
- Grand Rapids and the Manager Plan 434
- Grand Rapids Assistant Manager Talks Sense 594
- Grand Rapids Takes Leap in the Dark by Appointing Political Boss City Manager 428

Great Britain:
- Administrative Maps 54
- Beautifying the Roads 648
- Commission Government in England and Ireland 191
- Court of Appeals 719
- English General Election of 1929 505
- Expanding the Scope of Town Planning 649
- Glasgow the Practical 447
- Juvenile Employment 193
- Local Elections in England 727
- Local Taxation: Recent Changes in England and Wales 555
- Municipal Insurance 337
- National Planning in Electricity 337
- New Local Government Reforms in England 300
- Personnel Administration 719
- Police Court Justice at Home and Abroad 223
- Police Court Justice in England 227
- Professional Standards 338
- Public Baths 483
- Public Control of Electricity 272
- Public Health in England 193
- Public Housing Scheme 781
- Public Ownership (3) 108
- Public Washhouses 55
- Recent British Election Renews Discussion of P. R. 494
- Recruitment of Local Officials 419
- Scapa Helps Scrap Billboards 366
- Selection of Aldermen 481
- Self-imposed Professional Standards 648
- Single Tax Again 649
- Standard Salary Scales 719
- Status of Governmental Officials 481
- Superannuation 721
- Superannuation of Local Officials 193
- Tenure of Office 418
- Unemployment and Health 418

Griffenhagen and Associates, Inc. 195, 651

Growing Transport Problem of the Masses 517

Health:
- Cincinnati's Negro Problem 546
- Consolidation of New York City Hospitals 451
- Health in the Schools 57
- New Appraisal Form for City Health Work 201
- New York City's Health 598
- Police Power—Judicial Review of Ordinances Relating to Public Health or Safety 475
- Public Health in England 193
- "Sports Physician" 337
- Unemployment and Health 418

High Spots of Governors' Messages 253

Home Rule:
- Chicago's Persistent Traction Problem 669
- Home Rule—Amendment of Charters 640
- Home Rule in Salary Fixing 280
- Home Rule—Municipal Functions—Operation of an Ice Plant 773
- Municipal Assembly—New York City's Home Rule Legislature 632
- New York Dwellings Law and Home Rule 654
- Wisconsin "Unshackles" Her Cities 737

Housing:
- Building for Sunshine 55
- City Housing Corporation 280
- Excess Condemnation as an Aid to Housing 433
- New Dwelling Law Constitutional . . 547
- New Dwelling Law for New York 286
- New York Dwellings Law and Home Rule 654
- New York Dwelling Law Declared Void 544
- New York Multiple Dwelling Law . . 305
- Progress under New York Housing Law 543
- Public Housing Scheme 781
- Where City Planning and Housing Meet 500

How Chicago Awoke to Need for Honest Assessments 675
How Cincinnati's New Government is Improving Civil Service Morale 232
How to Eliminate Traffic from Downtown Sections 369

Illinois:
- New Illinois Gas Tax Law 613
- Report on Legislative Results 596

Improving County Government in North Carolina 8

Indiana:
- City Manager Forces Victorious in Indiana Legislature 349
- City Manager Plan—Indiana Law Declared Invalid 774
- Civic Affairs Department, Indianapolis Chamber of Commerce 485, 591
- Court Invalidates Indiana C. M. Law 659
- Five Years of Taxation in Indiana . . 489
- Proposals to Adopt the Manager Plan in Terre Haute and Vincennes 596

Initiative, Referendum, and Recall:
- Charter and Bond Issue Referenda in San Francisco 59
- Initiative, Referendum, and Recall in German Cities 29

In-Justices of the Peace 225
Institute for Government Research (Washington, D. C.) 784
International Congress in Seville 417
International Congress of Local Authorities 54
International Union of Municipalities, Meetings of the 649

Irish Free State:
- Commission Government in England and Ireland 191
- Cork City Manager Plan—An Irish Experiment 287
- Cork's First Election under the Manager Plan 487
- Cork to Have a City Manager 153
- Irish Free State 727

Kansas:
- What Legislatures Worry About 280

Kansas City, Missouri:
- Citizens' League of Kansas City 657
- Civic Department, Chamber of Commerce 540
- Kansas City Public Service Institute 196, 341, 422, 591
- Kansas City Studies Its Police Department 453

Kentucky:
- City Manager Plan in Kentucky 278
- Kentucky Organizes League of Municipalities 596

League for Industrial Democracy Conference on Municipal Government . . . 490
Leagues of Municipalities (see also Minnesota):
- American Municipal Association Notes 116, 344
- German Municipal League 780
- Kentucky Organizes League of Municipalities 596
- Wisconsin Power Program Halted . . . 715

Legislative Program of the Ohio Joint Committee on Economy 491
Legislative Reapportionment in Ohio . . 491
Legislative Results, Report on 596
Legislature Defeats City Planning Bill for New York City 350
Liability for Torts (see Torts).
Local Elections in England 727
Local Taxation: Recent Changes in England and Wales 555
London Squares 726
Long-Term Budget Proposed for Michigan 279

Los Angeles, California:
- City of Los Angeles 283
- "Greater Los Angeles Municipal News" 280
- Los Angeles 357
- Los Angeles Municipal Exhibit 437

Notes from Los Angeles 348
Low Prestige Value of Governmental Employment..................... 661

MacVicar, John.................... 62
Maine:
Democratic Party in Maine........ 744
Hydroelectric Power in Maine...... 413
Manager Plan Appropriate for Counties 237
Massachusetts:
Both Sides Win—Worcester Electric Case.......................... 314
Contract System Proposed in Massachusetts...................... 189
Special Massachusetts Commission to Investigate Control of Public Utilities......................... 716
Mayors (see also Elections):
French Congress of Mayors........ 270
John MacVicar Dead.............. 62
Our American Mayors:
XIV. John C. Lodge of Detroit... 16
XV. Murray Seasongood of Cincinnati................. 68
XVI. James Rolph, Jr., of San Francisco............... 163
XVII. Charles S. Ashley of New Bedford................ 377
XVIII. Daniel W. Hoan of Milwaukee 549
Removal of Mayor Walker Demanded 596
Merit System (see Civil Service).
Metropolitan Government:
Borough Government Considered for St. Louis Region................ 357
Charter for the Metropolitan City of Pittsburgh.................... 426
"Greater Los Angeles Municipal News"........................ 280
Irish Free State.................. 727
North Jersey Metropolitan District.. 310
Pittsburgh Consolidation Charter ... 603
Pittsburgh Metropolitan District Charter........................ 431
Progress toward Metropolitan Government in Cleveland and Cuyahoga County.................. 464
Resubmission of the Pittsburgh Metropolitan Charter.............. 729
St. Louis Considers New Plans for Consolidation................. 281
Self-Government and the Metropolitan Area...................... 780
Simplification of Government in Metropolitan Chicago........... 696
Taxation in the Proposed Metropolitan Government of Pittsburgh.... 385
Voters Turn Thumbs Down on Pittsburgh's Metropolitan Charter 529
Michigan:
Long-Term Budget Proposed for Michigan..................... 279
Permanent Registration for Michigan 428
Middletown Politics................. 493
Milwaukee, Wisconsin:
Citizens' Bureau of Milwaukee.196, 341, 651
Our American Mayors:
XVIII. Daniel W. Hoan of Milwaukee............... 549
Subway for Milwaukee............ 120
Taxicab Control in Milwaukee...... 490
Wisconsin "Unshackles" Her Cities.. 737
Minneapolis, Minnesota:
Minneapolis Scraps Ward Street Maintenance System............ 489
Minnesota:
Energetic Action Defeats Increase in Fire Insurance Rates............ 425
Minnesota League Saves State $566,000 in Fire Insurance Rates...... 60
Minnesota Municipal Conventions... 490
Taxpayers' League of St. Louis County (Duluth)............... 114
Missouri League of Women Voters 354
Model Accounts, Report on.......... 656
Movies Socialized for Town's Benefit.. 568
Municipal Assembly—New York City's Home Rule Legislature............ 632
Municipal Corporations:
Attachment of Municipal Property by a Foreign Jurisdiction 773
Automobiles—Effect of State License Tax on Powers of Municipality.... 772
Power of a Municipality to Sublet Its Airport...................... 411
School Districts—Implied Power to Operate a Cafeteria............. 712
Simplification of Government in Metropolitan Chicago........... 696
Special Municipal Corporations..... 319
Torts—Statutory Liability of School Districts...................... 772
Municipal Government and the Newspaper......................... 158
Municipal Government in Soviet Russia:
I. Before and During the Revolution 733
Municipalities as Art Patrons........ 598

Municipal Ownership (see Public Ownership).
Municipal Reporting (see Publicity).

National Government (see Federal Government).
National Institute of Public Administration . . . 51, 422, 486, 652
National Parties in Municipal Politics . . 609
Negro Problem, Cincinnati's . . . 546
New Bedford, Massachusetts:
  New Bedford Taxpayers' Association 196, 652, 784
  Our American Mayors:
    XVII. Charles S. Ashley of New Bedford . . . 377
New Jersey:
  Anti-Billboard Legislation in New Jersey . . . 280
  North Jersey Metropolitan District . . 310
New Local Government Reforms in England . . . 300
New Mexico:
  Taxpayers' Association of New Mexico . . . 115, 422, 540, 652, 723, 785
New Remedy for Civitosis . . . 495, 513
New Rochelle, N. Y.:
  Municipal Election Results . . . 730
New York City:
  Board of Estimate and Apportionment of New York City . . . 125
  Borough Presidents Fear Planning Commission . . . 222
  Brooklyn Union Rates Rejected . . . 267
  Close-up of New York Regional Plan 657
  Consolidation of New York City Hospitals . . . 451
  Excess Condemnation as an Aid to Housing . . . 433
  False Propaganda . . . 222
  Five-Cent Fare Decision Helps "Jimmy" Walker . . . 284
  Fusion Worse Confounded . . . 594
  Legislature Defeats City Planning Bill for New York City . . . 349
  Municipal Assembly—New York City's Home Rule Legislature . . . 632
  New Dwelling Law Constitutional . . 547
  New Dwelling Law for New York . . . 286
  New York Adopts Stagger Plan of Traffic Lights . . . 62
  New York City's Health . . . 598
  New York City's Income . . . 168
  New York Dwelling Law and Home Rule . . . 654
  New York Multiple Dwelling Law . . . 305
  New York Regional Plan an Accomplished Fact . . . 435
  New York Regional Plan Announced 431
  New York's Elevated Express Highway . . . 488
  New York to Keep Walker for Four Years More . . . 787
  New Zoning District for New York City . . . 429
  Planning Board for Greater New York . . . 124
  Politics in New York City Schools . . . 363
  Priority Urged for 43 Major Projects in New York Region . . . 544
  Re-Argument in New York Subway Fare Case . . . 47
  Removal of Mayor Walker Demanded . . . 596
  Reorganization in the Borough of Queens . . . 123
  Supreme Court Decides against Interborough in 5-Cent Fare Controversy . . . 333
  "They Ain't No New Tammany" . . . 349
  Traffic Study for New York City . . . 121
  Utilizing Manhattan's Present Traffic Facilities . . . 558
New York State:
  Attacks on County Government Renewed . . . 122
  Beneficial Results of New York's Stringent Subdivision Control . . . 732
  Budget Fight in New York State . . . 352
  Constitutional Amendments Proposed by New York Legislature . . . 429
  Important Crime Bills Pass in New York—Others Fail . . . 347
  Municipal Election Results . . . 730
  New York Commission under Way . . 717
  New York Investigation of Public Utility Regulation . . . 585
  New York System of Commission Regulation to be Probed . . . 335
  Poor Law Reform in New York State 617
  Power Authority "Out the Window" 336
  Progress under New York Housing Law . . . 543
  Proposed New York Investigation . . . 188
  Public Operation versus State Regulation: Two Hydro-Electric Systems Compared . . . 75

Reforms in Criminal Procedure before New York Legislature 200
Rural Detectives à la Sherlock Holmes 155
State Rate Investigation in New York 189
Veteran Preference Again Up in New York 728
Wanted: A Measuring Stick for School Systems 3

Nicaragua:
Editor Returns and Reports 63

North Carolina:
Improving County Government in North Carolina 8
North Carolina Modifies State Supervision over Municipal Debts 546

North Jersey Metropolitan District . . . 310

Nuisances:
Nuisances—Control over Location of Hospitals—Limitations upon Local Police Power 185
Smoke Control 192

O'Fallon Case—The Decision and What It Portends 458

Officers (see also Civil Service):
De Facto Officers—Effect of Payment of Salary upon Right of De Jure Officer to Recover from a Municipality 186
Officers—Right to Compensation . . . 329
Selection of Aldermen 481
Status of Governmental Officials 481
Tenure of Office 418

Ohio:
County Government Reform Proposed in Ohio 122
Legislative Program of the Ohio Joint Committee on Economy 491
Legislative Reapportionment in Ohio 491
Municipal Election Results 730
New Election Code for Ohio 427
Ohio Appraises Its Reorganized State Government 249
Ohio Institute 51, 342, 723
Ohio Reapportionment Vote Postponed 656
Prosecuting Attorney in Ohio—An Obsolete Officer 569
Where Does Legislation Originate? . . . 565

Oklahoma:
County Manager Bill before the Oklahoma Legislature 278

Order for Chaos in Traffic Signals 157

Our American Mayors:
XIV. John C. Lodge of Detroit . . . 16
XV. Murray Seasongood of Cincinnati 68
XVI. James Rolph, Jr., of San Francisco 163
XVII. Charles S. Ashley of New Bedford 377
XVIII. Daniel W. Hoan of Milwaukee 549

Outdoor Advertising (see Billboards).

Parks (see also Planning):
London Squares 726
Parks—Rights of Abutting Owners to Continuance 329
Public Parks—Liability of City for Negligence in Maintenance 641
Real Estate Subdividers Win Awards for Park Areas 595

Penal Institutions:
Cincinnati's City Workhouse 525

Pasadena, California:
Graft in Pasadena 656

Pennsylvania:
Erie County Taxpayers' Association 195, 275
Home Rule in Salary Fixing 280
Voting Machines Adopted in Pennsylvania 790

Permanent Registration (see Elections).

Philadelphia:
Election Frauds in Philadelphia 294
New Loans Will Raise Taxes 597
Philadelphia Abandons Plan to Buy Rapid Transit Underliers 657
Philadelphia Begins Drive for City Manager Charter 121
Philadelphia Bureau of Municipal Research 51, 196, 423, 591
Philadelphia Charter Bill Defeated . . 351
Philadelphia Civil Service Commission Faces Loss of Trial Board Powers 199
Philadelphia Considers Purchasing P. R. T. Underliers 281
Philadelphia Grand Jury Reports on Crime and Corruption 347
Philadelphia Politics and the C. M.-P. R. Plan 154
Philadelphia Reports Progress in City Planning and Zoning 488
Philadelphia Striving for a C. M.-P. R. Charter 198

Pittsburgh:
- Charter for the Metropolitan City of Pittsburgh.................... 426
- Pittsburgh Consolidation Charter ... 603
- Pittsburgh Metropolitan District Charter...................... 431
- Pittsburgh Reëlects Mayor Kline ... 749
- Pittsburgh's Graded Tax Rate...... 153
- Resubmission of the Pittsburgh Metropolitan Charter.............. 729
- Taxation in the Proposed Metropolitan Government of Pittsburgh.... 385
- Voters Turn Thumbs Down on Pittsburgh's Metropolitan Charter 529

Planning (see also Parks):
- Advantages of Voluntary Replatting 222
- Beautifying the Roads............ 648
- Beneficial Results of New York's Stringent Subdivision Control 732
- Borough Presidents Fear Planning Commission.................... 222
- Close-up of New York Regional Plan 657
- Expanding the Scope of Town Planning........................ 649
- Forecasting City Growth.......... 563
- Irish Free State.................. 727
- Legislature Defeats City Planning Bill for New York City.......... 350
- New York Regional Plan an Accomplished Fact.................. 435
- New York Regional Plan Announced 431
- Philadelphia Reports Progress in City Planning and Zoning........... 488
- Planning Board for Greater New York......................... 124
- Planning Foundation Organized 545
- Priority Urged for 43 Major Projects in New York Region............ 544
- Regional Planning................ 781
- Replatting to Cure Past Mistakes.... 731
- St. Louis Plans River Front Improvement..................... 120
- San Francisco's Success with Voluntary Replatting as an Aid to City Planning...................... 242
- Stanford University.............. 121
- Town Planning in Central Africa 656
- Where City Planning and Housing Meet......................... 500
- Winnetka the Model Village....... 703

Police (see also Crime):
- Cincinnati Firemen Become Policemen 354
- Kansas City Studies Its Police Department..................... 453
- Rural Detectives à la Sherlock Holmes....................... 155
- Special Police Patrol in Portland, Oregon....................... 509
- Torts—Municipal Liability under the Highway Law for Acts of Police Officers...................... 103
- University of Chicago to Hold Police Conference................... 655

Police Court Justice at Home and Abroad......................... 223

Police Court Justice in England 227

Police Power:
- Police Power—Flagman at Railroad Crossing...................... 329
- Police Power—Judicial Review of Ordinances Relating to Public Health or Safety............... 475
- Zoning—Limitation upon Power to Zone......................... 409

Polish Congress of Administrative Sciences........................ 270

Political Parties (see also Elections):
- Democratic Party in Maine........ 744
- Fusion Worse Confounded......... 594
- National Parties in Municipal Politics......................... 609
- Politics in New York City Schools ... 363
- Socialist Party Establishes Municipal Research Bureau............... 655
- "They Ain't No New Tammany".... 349

Political Science Association Meets... 62

Poor Law Reform in New York State.. 617

Portland, Maine:
- Manager Government Preserved..... 656

Portland, Oregon:
- Special Police Patrol in Portland, Oregon....................... 509

Progress toward Metropolitan Government in Cleveland and Cuyahoga County........................ 464

Proportional Representation:
- Philadelphia Charter Bill Defeated.. 351
- Philadelphia Politics and the C. M.-P. R. Plan.................... 154
- Philadelphia Striving for a C. M.-P. R. Charter.................. 198
- Proportional Representation Probably Constitutional in Texas...... 654
- Recent British Election Renews Discussion of P. R................. 494
- What P. R. Has Done for Cincinnati 65

Prosecuting Attorney in Ohio—An Obsolete Officer.................. 569

Public Employment Management in the Australian States.............. 21
Public Improvements:
  Airports—Municipal Airports as a Public Utility................. 641
  Establishment of Municipal Airports as a "Public Purpose"........... 263
  Power of Municipality to Sublet Its Airport....................... 411
  Public Baths..................... 483
  Public Washhouses................ 55
  St. Louis Plans River Front Improvement.................... 120
  St. Paul Adopts New Civic Program 61
Publicity:
  Add Professional Publicity Official to List of Municipal Executives..... 576
  Appraising Municipal Reports...... 26
  Barber Shop Opinion and Rapid Transit in Detroit.............. 359
  Barber Shop Opinion vs. the Stay-at-Home Vote.................... 548
  Detroit's "Barber Shop" Vote—A Reply....................... 574
  How Chicago Awoke to Need for Honest Assessments............. 675
  Los Angeles Municipal Exhibit 437
  Municipal Government and the Newspaper......................... 158
  Municipal Press Bureaus........... 108
  Salesmanship and Cities........... 493
Public Ownership and Operation:
  Boulder Dam Bill Approved by President Coolidge.............. 104
  Charleston Port Development under Public Ownership............... 381
  Chicago's Persistent Traction Problem.......................... 669
  Cities as Real Estate Owners....... 109
  Commissioners Oppose Public Ownership and Operation.............. 46
  Coöperative Undertakings 720
  Home Rule—Municipal Functions—Operation of an Ice Plant........ 773
  Implied Powers—Municipal Business Enterprises—Use of Memorial Building to Exhibit Shows for Profits......................... 183
  Movies Socialized for Town's Benefit 568
  Municipal Ownership—Control of Rates by State Public Utility Commission Denied................. 101
  Program Supported by the Utility Consumers' League............. 775
  Public Operation versus State Regulation: Two Hydro-Electric Systems Compared................ 75
  Public Ownership................. 108
  Public Utility Regulation Must Improve......................... 155
  Public versus Private Production of Electricity.................... 482
Public Safety (see Safety).
Public Utilities—General (see also Public Ownership):
  Advantages of Joint Contracts for Public Utilities................ 481
  Airports—Municipal Airports as a Public Utility................. 641
  And What Are the Limits?......... 414
  Bigger,—and Better Holding Companies?....................... 587
  Cleveland Gas Service Threatened... 714
  Consumption of Gas.............. 782
  Contracts between Holding and Operating Companies.............. 415
  Electric Heating.................. 192
  Hydroelectric Power in Maine...... 413
  Laudable Commission Appointments 190
  National Planning in Electricity..... 337
  O'Fallon Case—The Decision and What It Portends............... 458
  Pamphlets on Electric Industry and Rates......................... 477
  Philadelphia Abandons Plan to Buy Rapid Transit Underliers 657
  Power Development after Election... 48
  Program Supported by the Utility Consumers' League............. 775
  Public Credit for Water Power Development.................... 45
  Sub-Surface Use of Highways 647
  Subways Rejected by Detroit Voters 415
  Super-Power Progress............. 104
  Taxicab Control in Milwaukee...... 490
  Wisconsin Power Program Halted... 715
Public Utilities—Rates and Regulation:
  Both Sides Win—Worcester Electric Rate Case..................... 314
  Brooklyn Union Rates Rejected 267
  Chairman Prendergast Corrects Our Statement of Objective.......... 269
  Commissioners Survey Regulation .. 44
  Contract System Proposed in Massachusetts....................... 189
  Five-Cent Fare Decision Helps "Jimmy" Walker.............. 284

Hearings on Uniformity of Rate Structures 268
Is Interstate Regulation Needed? 105
Municipal Ownership—Control of Rates by State Public Utility Commission Denied 101
New Stage Reached in New York Telephone Case 336
New York Commission under Way 717
New York Investigation of Public Utility Regulation 585
New York System of Commission Regulation to Be Probed 335
Power Authority "Out the Window" 336
Proposed New York Investigation 188
Public Control of Electricity 272
Public Interest in Regulation 586
Public Operation versus State Regulation: Two Hydro-Electric Systems Compared 75
Public Utility Regulation Must Improve 155
Re-Argument in New York Subway Fare Case 47
Retailing of Electricity by Sub-Meter Companies 105
Service Charge before the Commissions 643
Service Charge Further Extended 106
Service Charge Rejected in Boston 47
Special Massachusetts Commission to Investigate Control of Public Utilities 716
State Rate Investigation in New York 189
Supreme Court Decides against Interborough in Five-Cent Fare Controversy 333
What Is "Value of Service" in Rate-Making? 588
Worry for the Consumer? 587

Public Welfare:
Cincinnati Acts to End Unemployment 281
Juvenile Employment 193
Poor Law Reform in New York State 617
Professor Lundquist Made Executive of St. Paul Welfare Board 657
St. Paul Cleans Up Its Welfare Administration 497
Social Welfare 780
Winnetka, the Model Village 703
Year Book of Social Work 200

Purchasing:
Court Decision on Purchasing Law 726
Reorganization in the Borough of Queens of New York City 123
Wisconsin Adopts Centralized Purchasing 725

Radburn, New Jersey:
Extra-Municipal Administration of Radburn 442

Recreation:
Movies Socialized for Town's Benefit 568
Public Responsibility for the Movies 191
Sixteenth National Recreation Congress 728

Reassessment of Real Estate in Cook County 681
Recall (see Initiative, Referendum and Recall).
Regional Government (see Metropolitan Government).
Regional Planning (see Planning).
Regional Variation in Municipal Borrowing Rates 629
Rejoinder on the Relation of Building Height to Street Traffic 94
Relation of Building Height to Street Traffic 171
Reporting (see Publicity).

Research Bureaus (see also names of individual bureaus):
Socialist Party Establishes Municipal Research Bureau 655

Rochester, N. Y.:
Assessment of Real Estate and Buildings in Rochester, N. Y. 87

Safety:
Automobile Testing Stations 657
Berlin Acts to Reduce Danger of Skidding 647
Detroit Police Department 221
Police Power—Judicial Review of Ordinances Relating to Public Health or Safety 475
Safety on the Streets 338
State-wide Organization of State Aid 54

St. Louis, Missouri:
Borough Government Considered for St. Louis Region 357
Bureau of Municipal Research 541
St. Louis Considers New Plans for Consolidation 281
St. Louis Plans River Front Improvement 120

St. Paul, Minnesota:
Municipal Election Results........ 730
St. Paul Adopts New Civic Program 61
St. Paul Cleans Up Its Welfare Administration.................. 497
St. Paul Considers Council-Manager Charter 727
St. Paul Proposes to Divorce Schools from City Government.......... 544
Professor Lundquist Made Executive of St. Paul Welfare Board........ 657
San Francisco, California:
Charter and Bond Issue Referenda in San Francisco.................. 59
Our American Mayors:
XVI. James Rolph, Jr., of San Francisco............... 163
San Francisco Bureau of Governmental Research...............51, 342
San Francisco's Success with Voluntary Replatting as an Aid to City Planning...................... 242
Sanitation:
Garbage Handling................ 55
Sludge Disposal in Germany 272
Scapa Helps Scrap Billboards......... 366
Schenectady, New York:
Bureau of Municipal Research.....52, 115, 342, 423, 540, 592, 653, 723, 785
Schenectady's Long-Term Financial Program...................... 522
Service Charge (see Public Utilities—Rates and Regulation).
Simplification of Government in Metropolitan Chicago............... 696
Social Work (see Public Welfare).
Soviet Russia:
Municipal Government in Soviet Russia: I. Before and During the Revolution 733
Special Assessments:
Contracts—Capacity of Parties—Collateral Attack on Special Assessment Warrants.............. 187
Special Assessments in California ... 595
Special Assessments—Direct Liability upon Bonds Issued.............. 410
—Exemption of Extra-State Municipalities..................... 710
—Repayment of Moneys Collected upon Abandonment of Project .. 639
—"White Way" Lighting System as a Local Improvement........... 101
Special Municipal Corporations....... 319
Special Police Patrol in Portland, Oregon 509
State Government (see also names of individual states):
High Spots of Governors' Messages.. 253
Rural Detectives à la Sherlock Holmes....................... 155
Where Does Legislation Originate?... 565
Street Railways (see Transit).
Streets and Highways (see also Traffic):
Beautifying the Roads............. 648
Berlin Acts to Reduce Danger of Skidding...................... 647
Chicago's Superhighway Plan....... 371
Illumination of House Numbers 418
Menace of Slippery Streets......... 110
Minneapolis Scraps Ward Street Maintenance System............ 489
New York's Elevated Express Highway.......................... 488
Powers — Redelegation — Designation of Streets as Arterial Highways... 102
Safety on the Streets.............. 338
Special Assessments—"White Way" Lighting System as a Local Improvement..................... 101
Streets and Highways—Abutter's Right to Continuance of Sidewalk. 710
—Abutting Owners—Right of Access 41
—Dedication—City Planning....... 42
—Rights of Abutter in Vaults under Sidewalk.................... 332
—Statutory Liability of Counties for Care in Maintenance.......... 642
—Use for Private Purposes......... 409
Streets—Vacation—Effect on Rights of Abutting Owner.............. 772
Sub-Surface Use of Highways 647
Torts—Municipal Liability under the Highway Law for Acts of Police Officers....................... 103
Torts—Negligence in Activities Connected with Streets.............. 42
Subways (see Transit, and Public Utilities).
Syracuse, New York:
Municipal Research Commission, Syracuse University............. 52

Taxicab Control in Milwaukee........ 490
Tennessee:
In-Justices of the Peace............ 225
Police Court Justice at Home and Abroad......................... 223

Texas:
  P. R. Probably Constitutional in Texas........................ 654
Thwarting Official Crime and Corruption in Chicago.................... 663
Toledo, Ohio:
  Appointment at University of the City of Toledo.................. 596
  Bureau of Civic Affairs, Toledo Chamber of Commerce........115, 197, 276, 343, 541
  Commission of Publicity and Efficiency..............53, 115, 197, 276, 343, 424, 486, 541
  National Parties in Municipal Politics.......................... 609
Toronto (Ontario) Bureau of Municipal Research........53, 197, 276, 343, 542, 724
Torts:
  Public Parks—Liability of City for Negligence in Maintenance....... 641
  Streets and Highways—Liability of Counties for Care in Maintenance 642
  Torts—Municipal Liability as Affected by Income from Public Property...................... 409
  —Municipal Liability under the Highway Law for Police Officers 103
  —Negligence in Activities Connected with Streets................. 42
  —Statutory Liability of School Districts..................... 772
Traffic (see also Streets and Highways, and Transit):
  Detroit Controls Pedestrians....... 122
  How to Eliminate Traffic from Downtown Sections................. 369
  New York Adopts Stagger Plan of Traffic Lights................. 62
  Order for Chaos in Traffic Signals.... 157
  Rejoinder on the Relation of Building Height to Street Traffic.......... 94
  Relation of Building Height to Street Traffic—A Reply............... 171
  Street Obstructions—Police Regulations........................ 331
  Street Traffic—Relative Rights of Pedestrians at Crossings Controlled by Automatic Signals............ 41
  Traffic Study for New York City 121
Transit (see also Traffic, and Public Utilities):
  Barber Shop Opinion and Rapid Transit in Detroit................. 359
  Chicago's Persistent Traction Problem 669
  Detroit Rejects Subways.......... 347
  Five-Cent Fare Decision Helps "Jimmy" Walker............... 284
  Growing Transport Problem of the Masses........................ 517
  Philadelphia Abandons Plan to Buy Rapid Transit Underliers 657
  Philadelphia Considers Purchasing P. R. T. Underliers............. 281
  Subway for Milwaukee............ 120
  Subways Rejected by Detroit Voters 415

Utah Taxpayers' Association...424, 542, 785
Utilizing Manhattan's Present Traffic Facilities........................ 558

Wanted: A Measuring Stick for School Systems........................ 3
Waterbury (Conn.) Studies Its Government........................ 596
Wells, Philip Patterson, Ph.D.—In Memoriam........................ 425
Wet Blanket on the County Manager Plan........................... 5
What P. R. Has Done for Cincinnati... 65
Wheeling (W. Va.) Experiments with Mayor-Manager................. 496
Where City Planning and Housing Meet 500
Where Does Legislation Originate?..... 565
Winnetka (Illinois), the Model Village.. 703
Wisconsin:
  Wisconsin Adopts Centralized Purchasing....................... 725
  Wisconsin Governor Believes in Research........................ 200
  Wisconsin Moves Towards Executive Concentration................. 660
  Wisconsin Power Program Halted ... 715
  Wisconsin "Unshackles" Her Cities.. 737

Zoning:
  New Zoning District in New York City 429
  Philadelphia Reports Progress in City Planning and Zoning............ 488
  Zoning Can Help the Farmer....... 742
  Zoning—Consent of Neighboring Owners..................... 42
  —Discontinuance of Non-conforming Use........................ 639
  —Effect of Legislative Interference with General Ordinance........ 102
  —Limitation upon Power to Zone... 409
  —Mandatory Removal of Non-conforming Business............. 772

NATIONAL MUNICIPAL REVIEW

PUBLISHED MONTHLY BY THE

National Municipal League

VOL. XVIII, No. 1 JANUARY, 1929 TOTAL No. 151

CONTENTS

EDITORIAL COMMENT . . . . *Russell Forbes*. 1

WANTED: A MEASURING STICK FOR SCHOOL SYSTEMS . . . . *Luther Gulick*. 3

A WET BLANKET ON THE COUNTY MANAGER PLAN . . . . *Kirk H. Porter* 5

IMPROVING COUNTY GOVERNMENT IN NORTH CAROLINA . . . . *Paul W. Wager* 8

OUR AMERICAN MAYORS:
XIV. JOHN C. LODGE OF DETROIT . . . . *W. P. Lovett*. . 16

PUBLIC EMPLOYMENT MANAGEMENT IN THE AUSTRALIAN STATES . . . . *W. E. Mosher*. 21

APPRAISING MUNICIPAL REPORTS . . . . *C. E. Ridley*. . 26

THE INITIATIVE, REFERENDUM, AND RECALL IN GERMAN CITIES . . . . *Roger H. Wells* 29

DEPARTMENTS

I. Recent Books Reviewed 37

II. Judicial Decisions . . . . *Edited by C. W. Tooke* 41

III. Public Utilities . . . . *Edited by John Bauer* 44

IV. Governmental Research Association Notes . . . . *Edited by Russell Forbes* 50

V. Municipal Activities Abroad . . . . *Edited by W. E. Mosher* 54

VI. Notes and Events . . . . *Edited by Welles A. Gray* 59

GRIFFENHAGEN & ASSOCIATES, LTD.
BUREAU OF PUBLIC SERVICE

Consultants and active assistants on the administrative and financial problems of public bodies in programs of review, audit, and constructive improvement; seventeen years of experience in the service of officials, legislators, and citizen organizations

HEADQUARTERS OFFICES 155 EAST SUPERIOR STREET, CHICAGO
EASTERN OFFICES MILLS BUILDING, WASHINGTON, D. C.

LEAGUE'S BUSINESS

As a British Authority Sees Us.—Arthur Collins, a distinguished expert on municipal administration and Adviser to Local Government Authorities of England, spent nearly two months in the United States during this past autumn, surveying administrative methods in representative state and municipal governments. Those who attended our annual convention, in Cincinnati last October, will recall his brilliant address at the banquet session. In his journeys throughout the country, Mr. Collins had the opportunity to examine the results of the National Municipal League. In a letter to the secretary of the League, dated November 14, 1928, Mr. Collins summarized his impressions of our work as follows:

> I can assure you and your colleagues that I was so deeply interested in the record of successes and endeavours in which you have taken part, that I should have found the time well spent had I been able to devote at least a full week more to your operations. Even as it is, I found myself so benefited by my association with you, and the evidence, indeed, in all parts of the States of the value of your researches, that I am now looking forward to coming back again at the earliest opportunity and resume my investigations into your manifold activities.

⁂

Pamphlet on Photostat Recording.—The Municipal Administration Service, jointly operated by the League and the Governmental Research Association, has in press a pamphlet on *Photostat Recording*, which was prepared by Dr. George C. Havenner of the U. S. Bureau of Efficiency. This publication gives the history of photographic methods of recording official documents and shows the economies which are possible through the use of the photostat in public records offices.

⁂

Distribution of Monographs of German Cities.—At the request of Dr. Erwin Stein, General Secretary of the Verein für Kommunalwirtschaft und Kommunalpolitik, we have distributed to municipal reference libraries, research libraries, the Congressional Library, public libraries in large cities, library of the United States Chamber of Commerce, *The American City* magazine, leagues of municipalities, university research departments, etc., sets of ten illustrated monographs on German cities which are reviewed by Dr. Mosher on pp. 56–58 of this number of the NATIONAL MUNICIPAL REVIEW. Anyone wishing additional copies of these monographs may secure them by addressing Dr. Erwin Stein directly, at Rheingaustrasse 25, Berlin-Friedenau, Germany.

⁂

Index to the "Review."—Subscribers who bind their copies of the NATIONAL MUNICIPAL REVIEW may receive the annual index for 1928 upon application to the editor. Libraries on our mailing list will receive the index without specially requesting it.

NATIONAL MUNICIPAL REVIEW

Vol. XVIII, No. 1 JANUARY, 1929 Total No. 151

EDITORIAL COMMENT

American Municipal Association Notes In our next issue we will inaugurate a new department, to be known as *American Municipal Association Notes*. This department will appear quarterly, and will be edited by John G. Stutz, secretary of the American Municipal Association. The American Municipal Association is composed of the secretaries of the leading state leagues of municipalities of the United States and Canada. The *Notes* will be similar in content to the *Governmental Research Association Notes* and will record the activities of the various organized groups of municipal officials.

*

Citizen Support of Bond Issues At the election on November 6, the citizens of Cincinnati approved bond issues totalling $7,150,000. Popular approval of the bond issues is largely traceable to the careful and scientific method by which the improvement projects, and the amounts necessary to finance them, were studied by the joint bond committee, representing the various governmental units and the various civic organizations of Cincinnati and Hamilton County.

Cincinnati has a joint coördinating bond committee composed of representatives of the city, county, school board, and library, which constitute all the governmental units with power to issue bonds. This committee receives and considers all bond requests. Through subcommittees the total amount of bond to be issued is arrived at, and the total is proportioned among the requesting units. The joint bond committee, which has representatives also from the civic agencies of the city, then sponsors the bond issue campaign. The members of the committee are individuals of high standing in the community whose endorsement carries weight with the general public.

Colonel C. O. Sherrill, city manager, makes the following comment on the publicity methods in the recent campaign:

> In putting over our bond issue this year, a vast number of talks were made before civic clubs, welfare organizations, etc., at which time all bond issues were stressed, regardless of whether or not they were coming from the city or county. In addition, 200,000 folders were gotten out and distributed among various organizations of the city; another 100,000 were used by the department stores for slip-ins in all purchases made during the week prior to November 6. Sample ballots were also printed for distribution at the polls, and 1,000 large posters were placed in store windows throughout the city. All publicity work in this campaign was handled gratuitously.
>
> I believe that one of the most potent factors in carrying these bond issues was the fact that the electorate realized that the bond issues which they were asked to approve had been worked out very carefully from the standpoint of their effect

upon taxes, and in addition were related so that there was a distinct coördination between all the bonding units in their request.

As reported in *Governmental Research Association Notes* in this issue, the Toledo Commission of Publicity and Efficiency has recommended that a joint bond committee, similar to Cincinnati's, be formed in Toledo. The Cincinnati plan will doubtless appeal likewise to other cities.

*

The County Manager

This issue contains two very interesting articles on the county manager form of government. In the article entitled "A Wet Blanket on the County Manager Plan," Professor Kirk H. Porter of the State University of Iowa, a recognized authority on county government, expresses the opinion that county management is impractical. This opinion is based on the fact that the county is not a unified area of government as is the city; and that county functions are in the main carried out under the direction of the state government and subject to detailed state laws. Professor Porter believes that the hope for improvement in county administration lies in the direction of increased state control rather than in the centralization of control in the hands of a county manager.

In 1927, North Carolina passed three general laws designed to improve the administration of counties. One of these, "An Act to Provide Improved Methods of County Government," recognized the county manager plan, and authorized the board of county commissioners to appoint one of its own members as manager, or to employ an outsider. Several counties have conferred managerial powers upon the chairman of the board of commissioners; others have made the county auditor the manager. Davidson County, however, went outside its own official family, and secured a prominent and successful business man as the county manager.

Professor Paul W. Wager of the University of North Carolina, the author of *County Government and Administration in North Carolina*, refutes Professor Porter's arguments by describing the improvements in administration which have been brought about in one year by the manager in Davidson County. This article seems convincing enough proof that centralized control of county affairs tends towards economy and efficiency.

The Davidson County plan is perhaps the closest approach to county management which has been made in this country. The board of commissioners made the manager the county auditor, tax supervisor, purchasing agent, and road supervisor, and appointed his secretary as the county treasurer. Thus was centralized in his office the financial administration of the county. The manager, however, was given no control over health or welfare activities or the administration of justice. Nor would the manager in North Carolina counties have any authority to appoint or remove department heads in those counties where the administration is sufficiently complex to require departmental segregation. The North Carolina law, therefore, meritorious as it is, does not provide county management in the form advocated by the National Municipal League and as described by Richard S. Childs in *The County Manager Plan*.

We hope, however, that the results achieved through centralized administration in Davidson County, North Carolina, will help to shed a ray of light upon the "dark continent" of American government.

WANTED: A MEASURING STICK FOR SCHOOL SYSTEMS

BY LUTHER GULICK

Director, National Institute of Public Administration

Current methods of measuring school performance do not really measure. :: :: :: :: :: :: :: :: ::

DURING recent years there has been much discussion of measuring education. The demand for measurements has been put forward by "efficiency experts," "surveyors," and "citizen groups," and the development of statistical methods has given great impetus to the project. It is probable also that the gradual growth of state aid for schools and the severe criticism to which the older methods of distribution of funds have been subjected have also served to advance the effort to develop measurement standards.

Recently a commissioner of education gave it as his opinion that the important element in this movement has been the large number of able graduate students who can find nothing better to do in connection with their theses! To an impartial observer, however, it appears rather as an inevitable manifestation in the educational field of the research temper of our times. It is inevitable that there should be in every field of human endeavor an effort to reduce experience and phenomena to measurable terms. In any case, it is a hopeful sign.

REPORT OF NEW YORK LEGISLATIVE COMMITTEE

The latest consideration of educational measurements appears in the 1928 report of the New York State Legislative Committee on Taxation and Retrenchment.[1] The opening paragraphs of the chapter dealing with educational measurements indicate the general point of view of the legislative committee:

> What are the differences between an excellent school system, a good school system, a poor school system, and an inadequate school system? How can a group of thoughtful citizens find out the comparative rating of schools through which their children are receiving their education? How may a legislative committee charged with the responsibility of examining certain phases of school organization, control, and management, decide what existing methods produce desirable results and what methods produce undesirable results? These questions have thrust themselves to the fore with your committee during its consideration of the problem of school control and management because it is obviously impossible to evaluate what we now have, or to make suggestions for the future unless we can in some reasonable manner determine on a fact basis the results of present methods.
>
> When we turn to school systems, and for that matter to other governmental activities, we leave measurements and science behind, and deal primarily in opinions, preconceptions, and prejudices. If we are to make intelligent advances in public education, it is evident that there must be developed definite objective standards which can be used in measuring education. We are spending millions of dollars annually experimenting with the school curriculum, with school equipment, with school buildings, with state aid, with methods of control, and most important of all, with irretrievable years in the lives of growing boys and girls, without having any definite scientific methods of measuring the successes or failures of our experiments. We are playing blind man's buff in the laboratory at the joint expense of the taxpayer and the next generation.

---

[1] *Fiscal Problems of City School Administration*, Legislative Document, 1928, No. 66.

Following this general approach the committee considers successively the measures for state school systems developed by Dr. Leonard P. Ayres, then of the Russell Sage Foundation; Professor Frank M. Phillips' suggested measurements; those used by the Virginia State Board of Education in rating the educational systems of that state; the method of ranking to determine educational efficiency used by Dr. Henry E. Schrammel; the indexes used by Dr. G. W. Frasier in measuring relative efficiency of city school systems; the elements relied upon by Professor J. R. McGaughy in his study of fiscal administration of city school systems; and the tentative index prepared for New York by C. A. Harrell.

CRITICISM OF PREVAILING METHODS

The conclusions of the committee after its examination of these and other measurements are perhaps worthy of special note:

> Our very brief examination of the various attempts which have been made to measure education leads us to state the following preliminary criticisms which are applicable to all of the measures which have come to our attention:
>
> 1. *Expenditures Do Not Constitute Results.* In a number of the indexes it is assumed that a city which is spending more money for schools, measured either by tax rates or by expenditure per child, is thereby giving a better education to its children than is the city with smaller expenditures. This is a palpable fallacy. Undoubtedly it costs more to give a first-class education than to give an inferior schooling. But it may not be concluded from the difference in cost alone that there is a difference in the result obtained. In our conferences with educators during recent years, we have found this attitude of mind altogether too prevalent. It must not be assumed that an increase of teachers' salaries will in and of itself produce better teaching; that an increase in the per pupil cost of education will produce a better education; that an increase in the amount spent for coal or school books will produce better heating or better books. The money spent in and of itself is not a proper test. It is possible to spend more for the same or for an inferior product.
>
> 2. *Equipment Is Not a Measure of Results.* In all of the plans of school measurement, it is apparently assumed that research has demonstrated a causal relationship between certain standards of equipment and certain accomplished results. For example, it is assumed that good education cannot be given in classrooms containing over forty pupils; that every school shall have at least a combined assembly and playroom; and that there shall be not less than one hundred square feet of outside playground per child. Though these equipment factors are undoubtedly of great importance, it must not be forgotten that the purpose of public education is not to build buildings and purchase equipment, but to educate, and that equipment cannot be used as a measurement until its causal relationship to education shall have been satisfactorily established.
>
> 3. *Indexes Must Measure All Significant Differences.* As we examine the indexes which have been developed thus far, it is our feeling that the measurements selected are too few and too simple to reflect the significant differences in the school systems. This becomes of very great importance when indirect measures, such as equipment, are made use of. Should not more attention be devoted to the economic and social conditions of a community?
>
> Differences also of governmental and social tradition play an important part in governing the form of organization set up in a given section of the country. If it happens that this section of the country is also a section of high educational standards, should it be assumed that there is causal relation between these factors, as has been done in some of the studies thus far presented? We are not prepared to accept such results.
>
> The oversimplicity of the indexes is again evident from the fact that they do not deal with certain of the newer services in education, except possibly through extremely indirect measurements such as holding power.
>
> 4. *The Weighting of Factors to Be Used in Any Index Must be Arrived at Scientifically.* In practically all of the indexes which we have examined, the comparative importance assigned to individual items has been arrived at either by accident or by rule of thumb. There are statistical methods for determining the comparative importance of variable items in the development of indexes. Further study of these same prob-

lems may make it possible to improve upon the methods which are now being used, but unquestionably the weighting cannot be left to chance or arbitrary opinion.

5. The Only True Measure of Education is to Be Found in Individual and Community Development. Education itself cannot be measured directly through expenditures, teachers' salaries, per pupil costs, holding power, examination marks, graduations, books read, or chair-warming hours. Education takes place in the life and character of the children and adults who come under its influence. The recognition of this basic fact has caused many prominent educators and laymen to conclude that any effort to measure education is futile becuse it involves a measurement of personality, knowledge, intelligence, and character, for which our scientific knowledge of humanity is not adequate. In this connection it is appropriate to point out, nevertheless, that we are continually making decisions with regard to educational systems and educational results, and continually making comparisons and urging that this or that method, curriculum, or equipment, produces better results. In other words, intelligent, sober, and experienced men are forced to make decisions in these fields, the validity of which depends upon the accuracy with which they approximate scientific conclusions. The movement for the development of measurements is merely an effort to arrange, classify, and test the materials of which judgments are made. It is possible that such a process, even though not fully scientific at first, may serve to increase the accuracy of judgments. There was a time when the family physician felt the patient's brow, looked at his tongue, and counted his pulse and respiration, in order to determine whether the patient "had a fever." Now he uses a thermometer. Similarly, the assessor of real estate for the purposes of taxation has developed standards for the measurement of land value and for the measurement of building value, by means of which the assessment of property has been immeasurably improved. Even if final scientific criteria cannot be established immediately, the effort to develop measurements and establish even temporary standards is a step in the right direction, because it serves to systematize the making of judgments.

A WET BLANKET ON THE COUNTY MANAGER PLAN

BY KIRK H. PORTER

The State University of Iowa

Is the manager plan desirable for counties? A noted authority on county government thinks it is not. :: :: :: :: ::

NOT long ago I was asked to suggest some references that might be suitable for use in preparing a debate on the merits of the county manager scheme of government. The prospective debaters complained that, although they could find a good deal of literature advocating this reform, nothing seemed to have been written that was hostile to it. My purpose here is to contribute a modest bit toward the filling of that gap.

As with most reform projects, the advocates of this one are likely to hold the field more or less alone, until such time as their plans actually threaten to succeed. But the county manager idea has not as yet progressed so far as to constitute a real challenge to the existing order.

THE CITY IS A UNIFIED AREA OF GOVERNMENT

My lack of enthusiasm for the county manager grows out of a belief that county functions are not sufficiently interrelated to compose a single, unified task. On the other hand, the characteristic thing about municipalities, as contrasted with other minor areas of government, has always been that they are created at the behest of those who are to compose the corporation; and the functions which the corporation is to exercise are always intended primarily for the direct benefit and convenience of those who compose the municipality. The city is thus intended to be a closely-knit political unit. However multitudinous the municipal activities may be, they do, in a very real sense, constitute a unified task. It is only necessary to consider for a moment the various familiar city functions in order to appreciate how deeply interrelated they are. Hence the city manager scheme—the very last word in concentration of administrative authority and unified control—no doubt lends itself very well to city government.

THE COUNTY IS AN ARTIFICIAL UNIT OF GOVERNMENT

But the county is not today and never was a unified political household. The county is not created at the behest of those who are to live in it. It is an artificial area marked out without regard to population. Some of its purposes are local, some of them are state, and some do not lend themselves to ready classification. Indeed the courts have never been agreed as to whether certain county officers are really local officers or state officers. It has been customary to look upon the county as the principal stronghold of local self-government; but it has also served, from the very beginning, in a large measure as an area for the administration of state functions.

Local self-government is rapidly disappearing, for good or for ill. But even so, the county is no doubt destined to hold its place as a very important governmental area simply because the state is using it, ever more extensively, for its own purposes.

Granted that county government is beset with evils (for myself I believe they are greatly exaggerated), it were much wiser to direct reform along some lines that will harmonize with tendencies already well established. To set up a county manager would be an attempt to effect a sort of artificial unity in opposition to a very wholesome tendency now prevailing in another direction.

STATE CONTROL RATHER THAN COUNTY MANAGEMENT

To be specific: the county sheriff and the county prosecutor are concerned with the enforcement of state law. The American desire for a measure of local self-government led to the popular election of these officers. Suppose we grant that they should no longer be popularly elected. I can see no point to making them accountable to a county manager instead of to a state department of justice. If reform is to come, the arguments in favor of making county prosecutors the subordinates of the state attorney-general, and the arguments in favor of setting up a state police force, perhaps to supplant the sheriff, are so very cogent as to leave no place at all for a county manager. The coroner, who is closely associated with these two, might well be abandoned altogether.

The school system is ever more rapidly being brought under the supervision of state authorities. I will not undertake to discuss the merits of this tendency; but I certainly would not be disposed to check it, in order to give a county manager some measure of control in this field.

STATE SUPERVISION OF HIGHWAYS PREFERABLE

And so it is with highways. Control over highways has passed from townships, or other very small areas, to counties, and from counties to the state itself with a rapidity that has almost equalled the development of the automobile. Petty local officers have seen their highways snatched away from them with a suddenness quite unprecedented in the realm of government reform. But who cares? We are getting good roads. And is anything to be gained by interposing a county manager somewhere between the existing county engineers and the state highway commissions under whose direction they now are working? The business of constructing and maintaining highways is one great, unified task. There is no place in it for a county manager, who, in his odd moments, would be managing a sheriff, a prosecutor, a treasurer, a clerk of court, and what not!

STATE CONTROL OF OTHER FUNCTIONS

The case is scarcely different with respect to charities. Here there has been much waste and inefficiency. But the abominable old county poorhouses are being cleaned out. Each decade witnesses the erection of more state institutions for the better care of special types of indigent cases. The insane, the feeble-minded, the epileptic, the tubercular, the orphan, the deaf, dumb, and blind—each type is being salvaged from the poorhouse and cared for in special institutions, such as very few counties could ever hope to maintain. Shall we stop this procession in order to give our versatile manager a chance to try his hand at improving the old conglomerate poorhouse? Outdoor relief can well be handled through a trained worker employed by the county administrative board.

As to the clerical officers: surely if we cease to have the clerks of court upon our ballots—and probably we should—the patronage might as safely be bestowed upon the judge as upon a manager. After all, the judge is interested in the proper handling of his court records. Other clerical functions, including those of the recorder of deeds, might well be performed by an officer chosen by, and responsible to the administrative board.

The finance officers are usually a treasurer, a collector, and an assessor. The functions of the first two may well be combined. Before the days of state supervision of local accounts there was desperate need of improvement. But today, with state supervision making such headway as it is, we can almost afford to be complacent even about the popular election of treasurers. At any rate I see no reason for having them managed by a local officer. And as for the assessors, students of taxation everywhere look forward to the day when the function of assessment will be centralized in some state office.

Considerable variation is to be found among county administrative boards with respect to size and organization. Half a dozen states have the large representative boards of supervisors. Some of the southern states have their clumsy county courts, sitting as administrative boards. But far more than half the states already have the small boards of commissioners, exactly the type contemplated for the county manager scheme. This type of board is much to be desired, and states which do not have it should be encouraged to get it as soon as possible. Furthermore, there is comparatively little complaint with the functioning of boards of this type; and the mild reforms outlined here would no doubt effect remedies where evils do exist.

COUNTY MANAGEMENT IS NOT THE REFORM NEEDED

Probably this brief article has the appearance of being an argument in favor of state centralized administration. It is not necessarily that. The point I wish to make is that, if substantial reform is to come, it had better come along the lines indicated, rather than by means of setting up artificial machinery that does not harmonize with prevailing tendencies. Furthermore, the setting up of a manager scheme involves doing great violence to deep-rooted traditions of local self-government; and it would mean very sweeping and sudden changes. By pursuing the other process, improvements can be brought about gradually when and where they are needed most. Indeed, very substantial improvement has been brought about in most states, particularly with respect to local finances and the construction of highways. Let us bend our energies toward pressing similar reforms still further.

It is worthy of note that most of those who argue in favor of the county manager, and parade before us many examples of shockingly bad local government, are thinking primarily of the urban county. City-county consolidation is certainly an achievement greatly to be desired. And where this occurs the city's needs and interests virtually swallow up the county. And I have no word to say against the city manager, nor a city-county manager when consolidation has been effected. The city is a unified political household. The typical rural county is not, and it is hardly wise to treat it as if it were.

IMPROVING COUNTY GOVERNMENT IN NORTH CAROLINA

BY PAUL W. WAGER
University of North Carolina

Davidson County wipes out deficit, reduces tax rate, and simplifies government in first year under centralized administration. :: :: ::

THE last few years have witnessed an increasing interest in county government on the part of business men, legislators, and students of government generally. With an ever increasing number of services to be performed, a larger and larger personnel, and a rapidly growing volume of expenditures, there has come a need and a demand for better methods of administration. The accounting practices and the administrative methods which characterize county government in most states are not only crude and antiquated but positively unsafe. They make sound financing difficult and democratic control well-nigh impossible.

In most of the southern states the county is the primary political unit; the township, if it appears at all, has only a shadowy existence. Hence the county becomes the unit for the administration of justice, for school administration, highway construction and maintenance, promotion of public health and public welfare, care of the poor, and other important functions. This is the case in North Carolina, and the annual budget in the average county is now well over $400,000.

For ten years certain leaders in North Carolina have been calling for improved county government, and last year their efforts were rewarded with the passage of some excellent legislation.

A digest of this legislation appeared in the NATIONAL MUNICIPAL REVIEW in August, 1927.[1] The purpose of the present article is to indicate the gains which have been made as a result of these significant acts.

BUDGETARY CONTROL

One of the major laws, known as the Fiscal Control Act, requires every county to operate on a budget basis. The first fiscal year under the new plan ended June 30, 1928, and most of the counties from which the writer has had reports kept expenditures within the budget appropriation, and several counties closed the year with substantial balances. This may not appear at all noteworthy until it is understood that operating deficits were almost the rule prior to the enactment of the Fiscal Control Act. In a few cases there were deficits this year in the general fund because of prolonged terms of court or other unusual items of expense; but such deficits must, under the law, be incorporated as a prior claim in the current year's budget. The County Government Advisory Commission has informed the writer that not less than seventy-five of the state's one hundred counties made a faithful effort to carry out the provisions of the Fiscal Control Act last year, and additional counties are falling in line this year. It is necessary to report, however, that a few counties have taken no cognizance of the law, or practically none. In most cases these are sparsely-settled counties which have long been dominated by a few self-seeking politicians. The latter naturally prefer the loose methods which have prevailed in the past and can easily convince a board of commissioners that the new requirements are complicated, impractical, and unnecessary.

RESTRICTIONS ON BOND ISSUES

A second act, known as the County Finance Act, definitely limits the debt-incurring power of county boards. All floating indebtedness had to be funded prior to July 1, 1927, and since that date the only short-term borrowings that may be recognized as valid are notes in anticipation of revenue not in excess of 80 per cent of the uncollected taxes, and notes in anticipation of authorized bond issues. No bonds can be issued without popular approval and such as are issued must mature within a definite period, the specified period depending on the nature of the improvement to be made. Only serial bonds may be issued.

This act has been pretty generally enforced, for the reason that the banks and bonds houses will not loan money except where there has been full compliance with the law. As a result of this act the counties have been able to float bond issues at a much lower rate of interest than heretofore.

In the main, these two acts are recognized as instruments of good government and sound finance and are strongly defended by the press and by county officials. The county boards of commissioners are especially pleased with the laws. Scores of citizens and officials have extolled the virtues of these acts to the writer, and have expressed regret that they were not enacted ten years earlier.

On the other hand, there are a few counties—and they are backward, misgoverned counties—which will probably try to be exempted from the provisions of these acts at the next session of the general assembly. The rank and file of the citizens of these counties do not understand the measures well enough to offer resistance. Candidates for the legislature have told them that the new laws set up an elaborate and costly procedure for which there is no need in their county. An act which is designed to speed up tax collecting and hold the tax collector to a more rigid accounting has been hailed by one candidate "as persecution of the poor taxpayers." Nevertheless, in the main, the new fiscal measures have been well received and the benefits are already incalculable.

---

[1] "North Carolina to Have Better County Government," by Paul W. Wager, NATIONAL MUNICIPAL REVIEW, August, 1927, pp. 519–526.

THE WAY PAVED FOR COUNTY MANAGERS

The third major act, known as "An Act to Provide Improved Methods of County Government," recognizes the manager form of county government and provides an easy way of adopting it. In brief, the board of commissioners may employ a county manager, or they may give the managerial powers to one of their own number or to some other courthouse official. Furthermore, if there is a demand for a county manager on the part of the people of a county and the commissioners do not provide one, the citizens themselves may take the initiative in securing one. Ten per cent of the qualified voters may file a petition for a referendum on the issue; and if a majority of those voting favor having a manager, the county board of commissioners must appoint or employ one. The law gives the commissioners discretion as to what powers the manager shall possess and it does not prevent them from giving him very extensive powers.

Since the passage of this act, each of three or four counties has conferred managerial powers upon the chairman of its board of commissioners. A few counties had already made their chairman a full-time officer with enlarged powers before the passage of the act. A number of counties have had county auditors for several years, and in some instances these men have been given additional powers until they now approach the stature of county managers.

While there are several counties in North Carolina which have a full-time executive—who may or may not be called a manager—there is only one county which has a county manager in the fullest sense of the term. This is Davidson County, and it is to this county and its manager that the remainder of this article is devoted.

A MANAGER IN DAVIDSON COUNTY

Davidson County is located near the center of the state in the Piedmont section. It is a well-balanced county with two thriving industrial towns and a well-developed, well-diversified agriculture. Davidson is one of the three greatest wheat-producing counties of the state, it is one of the leading counties in dairying, and it has a variety of other important crops. Each of its two major towns, Lexington and Thomasville, has extensive furniture factories, Thomasville boasting the largest chair factory in the world. There are also textile mills in each town. The main line of the Southern Railway traverses the county from north to south. In wealth and population it is slightly above the average county in the state, its taxable wealth being approximately forty million, and its population about forty thousand.

GOVERNMENT UNDER THE OLD RÉGIME

Three years ago Davidson County was an average county, or worse, so far as its government was concerned. It had not fallen quite so deeply in debt as some other counties; but in other respects it was just as poorly managed and just as much "in the dark" as the rest. Its governing body—the board of commissioners—changed nearly every two years. Each board came into office ignorant of the financial condition of the county and went out of office not much enlightened. There was no fixed policy or program. The commissioners met regularly on the first Monday of each month, and occasionally in special session. Before each meeting they secured a statement from the bank showing the county's cash balance, and with this as a guide proceeded to pass upon the day's grist of claims and requests. The register of deeds acted as clerk to the board and took down the minutes. After adjournment county affairs were allowed to drift along until the next meeting. The North Carolina county has been, and in most cases still is, a headless institution. Quite naturally it has also been aimless in its activities. Davidson County was no exception.

In North Carolina a new board of commissioners comes into office the first of December following election in November. Davidson County had a new board in December, 1926. It was a good board, and, among other things, it interested itself in the legislation being considered by the general assembly in the interest of better county government. After the legislature passed the act authorizing a board of county commissioners to employ a county manager, the Davidson board resolved to have a manager. The members of the board had been in office long enough to realize how handicapped they were without a full-time agent. They soon decided on the man whom they wanted as manager, but they were not sure they could get him. He was a man past fifty years of age who had made a success in two or three business undertakings and had, a few months before, accepted a position with a local bank.

A CHARACTER SKETCH OF THE MANAGER

C. C. Hargrave had begun work when thirteen years of age. Even before that he had learned the rudiments of bookkeeping. His first job was to keep books for a local dealer in farm implements. He untangled the accounts of his employer so successfully that within a short time the McCormick Harvester Company asked him to visit other dealers, take inventory, and make settlements. While he was on one of these auditing visits, the dealer with whom he was working received an urgent appeal to send an expert mechanic to an isolated village to help set up a machine. The men who had been delegated to set up the machine were baffled. The dealer turned to young Hargrave and told him to go. The boy protested that he knew nothing about mechanics, but the older man paid no heed. After several hours of travel, the young bookkeeper reached the village to which he had been despatched, located the mechanics and their troublesome machine, and with many misgivings offered to help. Although unfamiliar with that kind of work, his keen eye soon detected the seat of the trouble, and in a few minutes the machine was running like a top. He calls it sheer luck, but the incident throws light on the qualities of the man. System, orderliness, and precision characterize all his work as county manager.

After working six years for the McCormick Harvester Company, Mr. Hargrave went on the road selling buggies. This he continued for eighteen years, or until the automobile threatened to relegate buggies to the museums. Then he settled in his native county and went into the lumber business. He was making a success of it when the aged president of a local cotton mill, desiring to be relieved of responsibility, persuaded Hargrave to take over the management of the mill. He remained with it until the property was bought by a New York concern.

It was then that Hargrave went into the bank, but after three months there he was importuned to assume the duties of manager for Davidson County. The salary offered was $3,600 a year; but as he was in comfortable circumstances the salary was no particular inducement to him. Mr. Hargrave accepted the job because he is a born organizer and wished to try his hand in this new field. The improvement that has been made in the administration of Davidson County's affairs in the last eighteen months is a most encouraging story. Not all of the credit should be given the man who was selected as manager; some is due to the new Fiscal Control Act, some to the wisdom and energy of the county board, and some to the new system which substitutes centralization and coördination for decentralization and confusion.

DEFICITS WIPED OUT

When the county commissioners engaged Mr. Hargrave they not only conferred upon him the powers of county manager, but also those of tax supervisor, county accountant, purchasing agent and road supervisor. They tried to make him treasurer also, but he refused to be both county accountant (auditor) and treasurer, so they made his stenographer treasurer.

Two-thirds of the counties in North Carolina have an elective treasurer, but a law enacted several years ago permits certain counties to abolish the office and confer the duties upon a bank or trust company if they so desire. Davidson County made this change. The bank which acted as county depository and fiscal agent received $60 a month and the use of the county funds as compensation for its work. The new treasurer receives $300 a year, in addition to her salary as stenographer, and the bank pays 4 per cent on daily balances. Last year it paid Davidson County $5,993.20 interest on daily balances and an additional $564.04 on a time deposit. It keeps detailed accounts for seven separate funds. The treasurer is bonded for $5,000 and the depository for $50,000. The county pays the premiums on the bonds.

Sinking funds are handled by a Charlotte bank—the Independence Guaranty Company, a subsidiary of the Independence Trust Company. The funds are invested in real estate mortgages which pay 6 per cent in advance, payable semi-annually. Both banks are bonded by surety companies.

When the county adopted the manager plan and at the same time budgetary control, there were outstanding notes, representing deficits in the general road fund and the general school fund, to the amount of $255,000. Of this, $150,000 was funded under the provisions of the County Finance Act and $105,000 was liquidated from the current revenues of the last fiscal year and from the receipts from delinquent taxes. Now there is not a single dollar of floating indebtedness. Not only did the county pay off over $100,000 of indebtedness in a single year, but it did so with a reduced tax rate. In 1926 the tax rate was $1.25 on a hundred dollars of valuation; in 1927, $1.20; and for 1928 it has been reduced to $1.17. The total levy for 1927 was about $550,000. This remarkable bit of financing was effected partly through better tax collecting and partly through economies of administration.

Before mentioning some of these economies, it might be well to point out that Davidson County's bonded indebtedness is only $550,000, and to offset this there is $71,000 in the sinking fund. Eleven special school districts have an additional debt of $157,500. In proportion to its assessed valuation —nearly $40,000,000—Davidson has about as little bonded indebtedness as any county in the state. Of this

$550,000 of county-wide bonded debt, $300,000 represents a bond issue for roads in 1916; $100,000 represents deficits funded in 1923; and $150,000 represents deficits funded in 1927.

WORK OF BOARD SIMPLIFIED

Under the old régime it was common for notes, and even bonds, to mature with no provision having been made to pay them. New York banks holding these securities sometimes telephoned to Lexington to remind the county officials of county obligations overdue and unpaid. Now the money is always in New York several days in advance. The county's credit rating has been raised from C to A. Last summer Davidson County made short-term loans in New York at 4½ per cent.

Reference has been made to the confusion and uncertainty which characterized county affairs under the old régime. Now all is clarity and system. When the commissioners convene for their regular monthly meeting the county accountant (who is also manager) lays before them a statement showing the condition of each fund and of each account within the funds. In parallel columns the statement shows the budget appropriation, vouchers paid to date, unexpended balance, commitments, and unencumbered balance. In addition to the budget statement, the commissioners are provided with a statement showing the financial condition of each fund, that is, the actual cash balance in each fund.

Formerly the board spent a great deal of time auditing claims. Actually the performance was a mere gesture, for there was little that could be done after a bill had been incurred except to pay it. Now no purchase is made except upon the order of the purchasing agent; hence bills presented to the board are accompanied by the purchase orders, and both have already been verified. Their work becomes no more than a casual review of the month's expenditures. Instead of signing each bill, they now sign only an itemized statement of the month's total.

Other duties of the board have been equally simplified. The manager makes the investigations and executes the orders. He checks up on the work of the other officers. He is the liaison officer between the board and the people. The board is relieved of administrative duties and becomes, as it ought to be, a policy-determining body and a board of review. Quite frequently the board completes its work and adjourns before noon.

ORDERLY ACCOUNTING

Mr. Hargrave is the county accountant, and as he himself admits he is quite "old-maidish" about his books. The writer never saw a neater set of county books, and they are always balanced to a penny. The following will illustrate the degree of accuracy upon which he insists: The tax collector is provided with a tax list or ledger containing the name, valuation, and taxes of each taxpayer. Each page is totaled both vertically and horizontally. Inasmuch as the total property valuations, multiplied by the rate, will give a slightly different figure from the sum of the individual computations, because of fractional cents, the correction is indicated on each page and carried forward cumulatively so as to reconcile the variation.

CENTRALIZED PURCHASING

The county manager is purchasing agent for all except school supplies. In this capacity he has saved the county thousands of dollars in articles purchased and not purchased. It is just as much a saving not to buy what is not needed as to buy cheaply what is needed. Bids are requested on all but the least expensive items. Only a few of the economies effected can be mentioned here. In 1926 the tax scrolls cost $181; last year, $39. In 1926 the tax abstracts (sheets on which the taxpayers list their taxables) cost $8.50 per thousand; last year, $4.25. Formerly an annual audit of the county books by a certified public accountant cost from $2,700 to $3,200; last year the cost was $1,100. The excellent condition of the books is the explanation of the last-mentioned saving. The county uses a large amount of gasoline in its motors, trucks, and road machinery. Until last year it paid tank-wagon prices; now it is paying two cents per gallon less.

Purchase orders are written in triplicate; the original goes to the vender; the duplicate is jacketed with the invoice and the voucher triplicate and filed alphabetically in the county accountant's office; the triplicates are filed numerically—with a new series each year. Vouchers are also written in triplicate. The originals, after being cancelled, are filed numerically by funds. They are grouped by months and with each month's packet there is a bank statement and reconciliation, together with a list of vouchers issued and still outstanding.

All collecting officers make deposit slips in quadruplicate. One goes to the bank which acts as county depository; one to the county accountant; one to the county superintendent of schools so that he can keep up with school revenues; and the fourth remains in the sheriff's (tax collector's) book.

Tax receipts are written in triplicate; the original goes to the taxpayer; the duplicate is put on a file and at the end of each day copied into the sheriff's day book and then turned over to the county accountant; the triplicate remains in the binder.

The bookkeeping procedure of Davidson County has been described, not with the thought that it is better than some other form of procedure, but simply to illustrate the relation between good government and good accounting. Not only does a good system of accounting enable the governing body to know the exact financial condition of the county at any time, but it makes any irregularity conspicuous. In fact, most public officials who go wrong do so to cover up a shortage which was not calculated. Many a good-intentioned official has been ruined as a result of deficient bookkeeping.

EFFICIENCY IN TAX COLLECTION

In North Carolina county financing there is fully as great an opportunity to save on the receiving end as on the disbursing end. County government has been characterized by all sorts of dilatoriness and delinquency in the assessment and collection of taxes. An alert tax supervisor often discovers and gets on the books hundreds of thousands of dollars of unlisted taxables. Moreover, he gets tax valuations equalized. He speeds up tax collecting, he uncovers supplementary sources, and in various ways increases the revenues of a county. The higher the percentage of the levy which reaches the treasurer, the lower may be the rate. No small part of the county manager's work in Davidson County has been that done in the capacity of tax supervisor.

When Mr. Hargrave was chosen county manager he was also made road supervisor, replacing a road supervisor who was receiving $3,300 a year. As a further economy, the young woman who had been secretary to the former road supervisor became secretary to Mr. Hargrave. In his work as road supervisor, the county manager is assisted by a practical and experienced road superintendent who has immediate oversight of the road forces.

Twenty-eight per cent of Davidson County's taxes are expended for road construction and maintenance so that the kind of administrative practices which prevail in this field is important.

THE OUTLOOK IN NORTH CAROLINA

In conclusion, it is fair to point out that there are other well-governed counties in North Carolina. Guilford, Mecklenburg, Cleveland, New Hanover, Edgecombe, Wilson, and many others are being administered in a highly efficient manner. Each of the six mentioned by name has a full-time executive, who is either chairman of the board or county accountant. Davidson County was selected for treatment in this article for three reasons: first, it is an average county in population and wealth, being more rural than urban; second, its executive conforms most nearly in powers and manner of selection to the definition of a county manager; and third, it has not been well governed as long as some of the others and the improvement may be more justly attributed to the adoption of the county-manager system.

It would be encouraging if this article could close with the assertion that Davidson County has turned its back on the old method of handling public affairs, and will henceforth adhere to business rather than political standards. Unfortunately, the prospect is not so encouraging. Davidson is a two-party county. Its present board is strictly a partisan board; its manager is a party man. If the other party comes into power, the present manager will be retired.[1] In fact, he says he would not serve with the other party in power. If the opposition party wins the election, the new board may appoint a capable man as manager. It probably will. But the county managership is a position that ought not to be dependent on the vagaries of party politics.

The municipal offices of Lexington, the county-seat of Davidson, are filled on a non-partisan basis. The county chairman of one of the major political parties could not tell me offhand the party affiliations of the mayor and councilmen, yet he insisted in the next breath that county offices ought to be filled on a partisan basis. He admitted that a non-partisan government was probably more efficient, but he said: "How are we going to hold our national parties together without local organizations, and how can we maintain local organizations without some offices to dispense?" That is a very practical question, and, so long as it is raised, it will not be easy to secure the wholesale adoption of the county manager plan. It is true that city elections were just as partisan a few years ago as county elections are today, and that party politics have rapidly lost favor in the municipal field. It will not be so easy, however, to rescue county government from party politics, for the reasons that the county is more useful as a unit of party organization and that the courthouse is now the last stronghold of the politicians.

---

[1] Since this was written, the Republican Party has gained control in Davidson County, and Mr. Hargrave has resigned as County Manager.

OUR AMERICAN MAYORS

XIV. JOHN C. LODGE OF DETROIT

BY W. P. LOVETT

Detroit Citizens' League

After twenty-five years of public service, John C. Lodge was elected mayor in 1927 without making a single campaign speech or promise or granting a single newspaper interview. He typifies Detroit at its best. :: :: :: :: :: :: :: :: :: ::

As Washington, Lincoln, and others, from various angles, symbolize America at its best, John C. Lodge, mayor of Detroit, without question and without flattery typifies his own city as well as any Detroiter who might be named. His election a year ago was regarded as the natural outcome of his long public career, an event as significant to his city as to himself.

C. M. Hayes & Co.

Mayor John C. Lodge

Born in Detroit some sixty years ago, next to the youngest in a family of eleven children, he has spent his entire life in "the City Dynamic." His father, a physician, came to Detroit in 1855. The son John was educated in the city schools, including high school, and spent two years at the Michigan Military Academy, Orchard Lake. His larger education has been of that continuous sort, in the school of active life, including newspaper work, business experience over many years, and unceasing public service (not job-holding) in city, county and state offices.

HIS PERSONAL CHARACTERISTICS

In religion, politics, business associations, and social connections, Mayor Lodge always has shown a fine balance between classes and masses, between aristocracy and democracy. Belonging to the Presbyterian Church, he abhors intrusion of the religious issue in public affairs. Thousands of Catholics espoused his candidacy a year ago, though his chief opponent was known as a Catholic, and attempts were made to create prejudice on this familiar issue. Although his father, a life-long Republican, helped organize the party "under the oaks" at Jackson, Mich., yet, on his departure last summer for his annual vacation in Maine, Mayor Lodge left the city government largely in the hands of four men, including his private secretary, all of whom were Democrats.

He is a prominent member in at least three of the most exclusive clubs of Detroit. Except for two days of the week, Saturdays and Sundays, he rises early and leaves home at 7.30 for the office of the Dwight Lumber Company, of which for twenty years he has been vice-president and actual head. But it was his fondness for athletics, particularly baseball, which led to his becoming one of the founders and incorporators of the Detroit Athletic Club. If you glance at his fingers you will notice more than one abnormal joint, inherited from the days when his baseball activities were intensely practical—there are old-timers who affirm he might have been a Ty Cobb or a Babe Ruth.

When the author of this article came to Detroit in 1910, to be a resident press correspondent, the town certainly offered golden opportunities for almost any kind of "reform"—wave, spasm, hurricane, or whatnot. The school board was a political kindergarten in which corruption smelled to high heaven. A heavy percentage of the "very common" council were saloon-keepers; the saloon influence, for the most part law-defying, dominated the politics of the city, made a joke of the election system, and brought ridicule on "the Wayne delegation" at the state capital. A bi-partisan "vote-swappers' league" ruled the city, keeping up a pretense of party interest at election time, for publicity purposes, while the jobs and the "swag" were the real objectives of all serious political action.

THE MINORITY LEADER IN COUNCIL

In that old council of hoary but unsavory memory, John Lodge was the respected, at times successful, leader of the decent minority. He had a few associates who, like himself, were good enough sports not to ask or expect the impossible. He knew "the boys" as they knew him, often by their first names; they were glad to have him belong. But naturally they did not include him in their inner councils or fundamental political programs. While he was acquiring experience in all phases of local government, knowledge of parliamentary law, floor strategy, etc., he also was earning a good name as a dependable but smiling leader of the kind of people who, as he then told the majority, would one day overturn their system and blast their organization into ruins.

That is exactly what history now records, beginning with the passage of the honest elections law in 1915 and the decision of Michigan as a state, in 1916, to adopt constitutional prohibition. The elections law was slipped through the legislature by a handful of "practical" reformers who never were reformers at all, but simply wanted to substitute decency for dishonor, adopted direct, businesslike methods, tackled one problem at a time and then stuck to it till it was solved by an aroused, informed public. Detroit never was noted, as a city, for its prohibition proclivities, but the Michigan dry campaign furnished an impetus, at the time erroneously assumed to be temporary, to "a new deal" in Detroit which has now become the permanent type of municipal program.

A BROAD EXPERIENCE IN PUBLIC SERVICE

In that program, during the past decade, Mr. Lodge has been the chief political dependence of the progressive forces, at times out in front as a public leader, but often content to be a consultant whose wisdom was never discounted. His eight years of service in newspaper work, including a term as city editor of the *Free Press*, gave him a wide and "brass tacks" acquaintance with the business and other leaders of the city. He served one term in the state legislature; in those days apparently "one term was quite enough," for him.

He was for five years chief clerk of the Wayne County Board of Auditors, in a position where he found out what was every essential or minor cog in the county machine. Therefore he has fitted perfectly for ten years in the position of chairman of the committee on ways and means of the Board of County Supervisors. It is this committee which is the hub of the county wheel as to actual and potential influence.

No man of accepted lineage and manifest refinement of tastes and habits could ever have travelled the political path so successfully without maintaining an inherent love for common humanity, a spirit of real democracy, and an ability to understand the commonest kinds of "just plain folks." Mr. Lodge's cosmopolitan acquaintance has been buttressed with a sincere appreciation of the human qualities in people. He hates sham and pretense, as he recognizes quality and character, no matter in what social station they may appear. Hence the "Lodge vote" for many years has come from all walks of life, from all parts of the city, humble as well as exalted.

A REAL NON-PARTISAN

Mr. Lodge is one of several reasons why Detroit occupies a unique position among those so-called non-partisan cities in which local government is more or less free of national partisan influence. In Detroit non-partisanship is so real a thing that one must cogitate, possibly investigate, to find out who are the Democrats or the Republicans in the city council of nine, or in any other important office. Party affiliations in county, state and nation are accepted and respected, but the party leaders as such have ceased trying to upset the absolute non-partisan character of the city government. In city affairs a choice for public office, either appointive or elective, is practically never made with any partisan flavor or influence.

When the question was put to him, Mayor Lodge replied that "not in ten years" had he known of any real intrusion of partisanship in city affairs. Political leadership, therefore, becomes a matter of personalities, on merit, together with questions of purely municipal policy, as such. The lines are drawn, groups form and fight, but the city is allowed to settle its own questions as city questions. When Senator Borah arrived to deliver an address on behalf of Hoover, Mayor Lodge declined an official invitation to head the delegation which met him at the depot; the mayor said: "In a city where elections are non-partisan, I do not believe it is the proper thing for me to head a delegation to greet a Republican who comes here on a purely partisan political mission."

THE DETROIT NON-PARTISAN ELECTIONS LAW

More fundamental to its government than non-partisanship is the Detroit election system: "foundation of the pyramid." In a sketch of Mayor Smith, Mr. Lodge's predecessor, the REVIEW said that Detroit was "as near a perfect municipal democracy as can be found anywhere in America."[1] Its election system is close to 100 per cent in giving an accurate registration of the will of the people. It has been so during the decade since the new elections law allowed the city to set up its present system. In procuring that law, including its local adoption, organization of the commission, and persistent policy of maintaining absolutely clean, honest, and accurate elections at every possible point, Mr. Lodge was one of the chief leaders, on many occasions the mainstay of the good government forces.

---

[1] NATIONAL MUNICIPAL REVIEW, April, 1926, p. 205.

It required brains, nerve, political courage, and patient persistence to get the new idea established, to move the machinery of a peaceable revolution in method, and particularly to get the new system in working order and so firmly entrenched that it could not easily be sidetracked, overturned or otherwise destroyed. While the volunteer citizen agencies were doing their part, under tremendous difficulties, Councilman Lodge officially carried the ball in this political football game; his influence still looms on the horizon as the center of the strong line of defence against any who desire a return to the old order of controlled precincts and "rotten" elections. It is the spirit and practice of the new régime in Detroit to trust the people, who thus far have not disappointed their leaders in making, as a rule, the best possible decisions on behalf of their own best interests.

Since 1910, when he began an eight-year term of service in the old aldermanic council, Mr. Lodge personally and officially has symbolized and stood for the local government which is non-partisan, non-sectarian, and expressive of the will of an informed, fairly alert people. By the most democratic methods the city has procured for itself a modern school board of highest efficiency, a modern mayor-council charter which has met the strains of a ten-year period of astonishing municipal expansion, and in many other ways has set a pace for metropolitan advance.

HELPED TO INSTALL NEW CHARTER

In the charter transition again Mr. Lodge was a leader, first as a consultant in drafting the charter itself, and, as president of the new council in 1919, in organizing the body and forming precedents as to procedure and method of the right sort. The new car was successfully "driven in." Having been council president, acting mayor, and ex-officio member of the election commission, performing services which ran parallel with his duties in the county government, Mr. Lodge, as mayor since last January, is now naturally the chief director of the governmental machinery which he helped to create and hence should know how to operate. His aggregate services as acting mayor ran well beyond a total which would have constituted a full two-year term in the office. He served ten years on the election commission and is now in his tenth year as chairman of the county ways and means committee.

THE LODGE-SMITH MAYORALTY CONTEST

But what are his weaknesses? Surely no man could survive more than twenty-five years of strenuous political life, including many campaigns for important elective office, without showing real or apparent defects of character or judgment. The Lodge-Smith mayoralty contest of 1927 was fairly warm, and the result close. The Smith forces even had help from Chicago experts on what to do and how to do it; they failed to tar Mr. Lodge with the Ku Klux Klan or "bone-dry" stick. They said he was "too old," but that didn't work. The most and worst they could and did say was that his absolute refusal to make any personal campaign proved his lack of backbone, nerve, and fighting quality. "He is always too diplomatic," is the one criticism which at times finds a sympathetic hearing. "He has too many friends."

The answer a year ago was to point to the record of 1910–27 and ask whether a man should be judged by his willingness to try his case in the newspapers or by actual achievement; by the number of times he has made first-page copy with sensational statements, threats, "jazzy" interviews, and campaign promises, or by the official data of the years; by his efforts to monopolize the stage with orations and half-baked opinions, or by his practice of quietly investigating all questions, amid the rah-rah and ballyhoo of popular controversy, and registering his official opinion or decision after the row is over and the reporters have forgotten the subject.

It is the Lodge technique to get results without needless trumpeting, issuing of mandates, or forcing of futile situations. In the political game he knows how to let others do the talking and get the credit for public bravery—or foolhardiness. "Any public man can always get on page one by saying what he is sorry for as soon as he reads it." The clever executive knows how to make moves of human chessmen in such a way that the men themselves often are blissfully ignorant of the part they are playing.

HIS ADMINISTRATIVE METHODS

Those who know affirm that Mr. Lodge's greatest services have consisted of quietly diverting to the junk-pile enterprises or proposals that were plainly bad, but not generally known to be bad. The biggest "stories" are those never written. It is a political and personal asset at times to prevent a fight, keep folks sweet, and yet achieve the community benefit desired. As for personal courage, there is record of the incident when Councilman Lodge, in a committee session, chased a certain mayor around a table, told him to take off his glasses if he would save his eyes, and got the apology which was his due.

He was literally drafted for the office of mayor and was elected after a campaign in which he did not give out a single interview, statement, or opinion on any question, except to say publicly that he would not give out any statement whatever or make a single speech. A citizens' committee did the necessary work on nominating petitions, and made a moderate publicity campaign. But the candidate insisted that his public record was his only platform and that if enough people were satisfied with that, he would be elected. So today, under the strong-mayor charter, with full appointive powers, he is virtually a city manager for Detroit, except that he was chosen at large by the people, for a term of two years, and does not receive a "real" city manager's salary—the Detroit figure is $15,000 per annum.

As an executive, Mayor Lodge insists that departments shall function with full freedom and responsibility; he knows, and department heads know that he knows, what is going on. All officials and citizens regard the mayor highly in the area of municipal financing, construction plans and projects, questions of every sort affecting the tax rate, bond issues, etc. The administration is simply a smoothly-running piece of efficient organization, with a minimum of issues and controversies. The budget system is one of the best among American cities; the mayor and council are in charge of all major expenditures, and coöperation is the rule.

NOT A PUBLICITY SEEKER

Some ticklish questions of internal operation remain to be solved, but the mayor believes in giving time its opportunity to develop the right answer to many a question. His full time as mayor is devoted to his job;

he dislikes banquets, post-prandial oratory, and mere ceremony for its own sake, practically never attending any functions but those of a necessary, official character.

His good will was illustrated by his course following the campaign of a year ago. He retained in office several department heads who had been appointed by his predecessor and opponent, chiefly because he believed the men capable of doing the work. There was no interruption to the orderly processes of the government, though one official of the Smith régime volunteered his resignation, knowing it would be requested if not turned in.

Will Mayor Lodge be reëlected for a second term? Some are asking the question. But they are not asking it of Mr. Lodge. They and he know it is too early to find the right answer. As in the past, it will depend on conditions as they develop. One thing is fairly certain: Mr. Lodge will continue his services to Detroit only under circumstances which leave him absolutely free of the suspicion that he wants any public office for its own sake.

PUBLIC EMPLOYMENT MANAGEMENT IN THE AUSTRALIAN STATES

BY W. E. MOSHER

Director, School of Citizenship and Public Affairs, Syracuse University

The civil service commissioners of the Australian states exercise a wide range of functions of employment management. :: :: :: :: ::

A REVIEW of the annual reports of the public (civil) service commissioners of several Australian states shows a much broader conception of the functions of this official than is customary in other countries and that this conception has led to practices that are now pretty well standardized. The public service commissioner seems to be not alone responsible for the various ramifications of employment management, but also for the duties commonly performed by the efficiency division of a progressive corporation.

The composite picture that may be sketched on the basis of reports[1] from New Zealand, New South Wales, Tasmania, South Australia and Victoria indicates that up-to-date ideas of what we commonly call employment management are being put into effect in a broad and comprehensive manner. There are very few phases of this comparatively new branch of management that are not touched upon in one way or another in these reports. The range begins with the recruitment of juniors and ends with superannuation. It includes the customary functions of a civil service commission as well as such matters as the following: hours, tardiness, leaves, suggestions on work procedure, awards, grievances of all kinds, working conditions, further education and, in fact, anything that has to do with employment. Beyond this, relations between organization units, methods of work and the like also occupy an important place.

---

[1] The following reports have been used in the preparation of this article: New Zealand, 1926; New South Wales, 1925–26, Tasmania, 1924; New South Wales, South Australia, 1924,'25,'26; Victoria, 1925.

The following discussion will deal first with what may be called employment functions and, secondly, with the activities that may be listed under the heading of administrative efficiency.

I. EMPLOYMENT

In all cases, except that of New South Wales, the report is issued by the public service commissioner; in this single case the employment agency is a board consisting of three persons. Of these one is the head of the treasury, but this is evidently not an ex-officio appointment. Although references are found in several reports to an appeals board operating in connection with the classification of officials, it is only in South Australia that a classification and efficiency board is fully described and its functions enumerated. This consists of the public service commissioner as chairman and one representative of the government and one of the employees. The board takes over many functions that were previously performed by the commissioner alone as well as a number of new ones of a very important character. Appointment to the commissionership in South Australia is conditioned on at least ten years of continuous public service. The position is a permanent one and its incumbent is responsible directly to the governor, an appointee of the Crown and the council.

CLASSIFICATION OF POSITIONS

In most of the states reclassification of positions on the basis of duties appears to have been recently carried through. So far as the reports show, the classification has been grouped under a few broad heads. For instance, in South Australia there are three services with a limited number of subdivisions. They are the professional, clerical and general. Such classification is applied uniformly to all departments, thus equalizing conditions and making possible transfers across departmental lines. Stress is laid upon the advantages of this latter procedure in some of the reports.

SALARIES

In regard to salaries the commissioner is the initiating official. He makes comparisons with salaries paid in outside employment. He has an eye to the changing cost of living, as is evidenced by the tables of index figures found at the beginning of three of the reports. Whenever the turnover in a given class of positions seems to him to warrant, he recommends that salaries shall increase. This applies particularly to juniors and women. The importance of offering a scale that will attract promising juniors is emphasized in more than one case. Minimum wage rates and averages for the whole service, as well as average increases, are also given. A biennial review of all salaries is prescribed for the public service board and salary committees of New South Wales.

HOURS OF WORK

The commissioner of Tasmania has standardized hours of attendance and the methods of handling tardiness. It is further specified that irregular employees shall be reported to him through the head of the department concerned. The question of the propriety of paying for overtime is also decided by the commissioner.

LEAVE OF ABSENCE

Sick leaves have been standardized in South Australia according to the following schedule: an accumulation up to sixteen weeks of leave of absence for ten years of continuous service and up to thirty-two weeks for those serving beyond ten years. As a kind of bonus, New Zealand grants twelve months, leave with full pay for forty years of service.

In this same state leave for recreation or study purposes is granted by the commissioner and not by the head of the employing department. Leave under the heading of education seems to be in the order of the day. The New Zealand commissioner lists eighteen men who are enjoying special leave in order to pursue their technical studies, over half of them being abroad.

FURTHER TRAINING

In one of the states, the commissioner grants permission to promising employees who wish to take courses at the university at certain hours of the day, because they cannot get the work desired during the evening. Incidentally, it might be noted that special pressure seems to be brought to bear on the public servants in Australia to stimulate them to increase their intellectual equipment. In line with this policy, intimate contacts are made with the university authorities. Examinations by the university are often accepted, for instance, in lieu of the official examination under the government authority.

The commissioner of one state is a regular member of the university board of commercial studies, on which matters of general education are dealt with.

The South Australian official expresses himself as follows: "Ever since the establishment of the public service department that fact (value of higher training) has been drilled into the junior members of the service in season and out of season, with the result that younger members in large numbers are engaged at night in some special form of study."

APPEALS

That the handling of appeals is a regular part of the commissioner's work is shown by the fact that almost all reports tell of the action taken in the year covered with reference to matters of discipline. The new amendment going into effect in 1925 in South Australia states that "a right of appeal to the public service exists in the case of an officer having a grievance relating to his employment or affected by any report or recommendation of the commissioner," and further that "if the appellant is not satisfied with the decision of the commissioner he may appeal to the classification and efficiency board."

It is interesting to note in this connection that the organization of public employees under the title of Council of the Public Service Association has a grievance committee in South Australia which carries on the preliminary work of handling complaints, and that the majority of complaints were settled by the committee and thus not brought to the attention of the commissioner.

SUGGESTIONS

The New Zealand commissioner lays much stress on the matter of suggestions. He states that he has given "every encouragement to suggestions likely to improve the organization or efficiency of the service," his practice being to make a special award to any officer bringing forward a suggestion of merit. As suggestions, even when not adopted, are looked upon as evidence of zeal, a record of such suggestions is kept on the personal record card of the person making them.

ORGANIZATION OF EMPLOYEES

Several references have been made in the foregoing discussion to the official recognition given to the organization of the employees. This seems to be accepted as a matter of course. Their representatives are found not alone on the board of appeals, but also on the efficiency and classification board and the salary committees in one of the states.

II. ADMINISTRATIVE EFFICIENCY

ECONOMY AND EFFICIENCY

All of the reports reviewed show that the public service commissioner is accepted as the proper authority for developing a more efficient administration of public affairs. This may involve reorganization or even elimination of departments, reduction of the number of employees, passing on the desirability of increasing the staff, installation of a central purchasing agency, introduction of new forms and office machinery or what not. Almost all of the results of the efficiency and economy movement in the United States have been considered or adopted in some of the states. A few illustrations will suffice to indicate the character of this policy.

ELIMINATION OF UNNECESSARY OFFICES

In the first place, real satisfaction seems to have resulted from the reduction in the number of officials. In a single year the Tasmanian commissioner reports that he had saved 75,000 pounds by the elimination of unnecessary offices. In several reports the boast is made that very few new appointments were made from without the service because of reorganization proceedings.

The South Australia commissioner reports that tens of thousands of pounds have been saved by the investigations of his inspectors with reference to the expansion of staff.

CENTRALIZED PURCHASING

In this same state the commissioner recommended the desirability of centralizing all purchasing under the treasury, and in the following year raised a question as to whether the treasury had not introduced an unduly elaborate system of forms for the control of purchases. In New South Wales the board urged that it was "essential that the treasury should be required to supervise actively and to improve the accounting methods and systems followed by the departments."

DEPARTMENTAL REORGANIZATION

The climax of this type of recommendation is reached when it is suggested that the heads of departments shall turn to the board when improved methods are available or reorganization is desirable so that the board may consider such proposals and take the requisite action.

That this policy of advice and control has not led to friction and jealousy is at least partially evidenced by references to the cordial coöperation that has been extended by the departmental heads. The following statement from the sixth annual report of the South Australian commissioner bears this out:

> These officers (of our staff) speak very highly indeed of the courtesy and able assistance which they have received from the heads of departments and their officers, who are keen to adopt

> any better methods which can be introduced; and, in fact, when any investigation is being made, join forces with the officer detailed to carry out the inquiry, and the good results thus far obtained are principally due to the enthusiastic assistance and coöperation given by all concerned.

At any rate, the reports create the impression that the centering of all responsibility for improving administrative and personnel standards in the hands of the department of personnel, is accepted as a matter of course; and furthermore, that it has resulted most advantageously for the government in general.

CONCLUSION

The student and observer of public employment management cannot fail to be impressed by the achievements of those in charge of the civil service in the Australian states. With one exception, we have here a single commissioner experienced in public administration who is given full authority under the chief executive for developing and improving all conditions affecting the employees, regardless of departmental lines. He is equipped with sufficient authority and presumably with such personal qualities that he can count on the coöperation of the other executives of the staff. He himself is a permanent part of the staff and can, therefore, hope for continuity of policy. He can introduce constructive policies that look toward the improvement of the quality of the working forces as well as increasing the satisfaction that the employees take in their work. The influence of political forces seems to be negligible. Even when it comes to the policy of handling the large number of war veterans he refuses to make concessions in their behalf that would run counter to the interests of the service. In a word, the public service commissioner appears to be a qualified professional executive who takes rank with the other members of the executive staff, and whose task it is to make public employment efficient, worthwhile and attractive.

With regard to the centralizing of responsibility for improving administrative efficiency in the personnel department, one can only observe that such centralization is all but unique, both in private and public management. This involves the appointment to the commission's staff of so-called "inspectors" who are acquainted with the workings of the several departments and who have the requisite training for this type of critical and constructive work. There are obvious advantages in this combination because the investigation of offices and officials—the primary task of the personnel department—requires an intimate knowledge of the workings and the responsibilities of the various units of government and their relations to one another. There seems to be no inherent reason why this knowledge should not be capitalized in the direction of improving the general efficiency of these units, providing, of course, that some members of the staff, as well as its head, are qualified to handle such work. If we take these reports at their face value, and there seems to be no reason why we should not, this combination of functions is working out most satisfactorily in the Australian states. From the point of view of public administration the policy outlined here is both suggestive and thought-provoking.

APPRAISING MUNICIPAL REPORTS

BY C. E. RIDLEY

National Institute of Public Administration

An attempt to place upon a comparable basis the municipal reports reviewed in these columns during the past year. :: :: ::

In an article which appeared in the March, 1928, issue of the Review, the writer suggested twenty criteria to be used as a basis for comparing and rating municipal reports.[1] The article further attempted to apply the criteria to the twelve reports which previously had been reviewed in these columns. This article will restate those criteria and present a table showing their application to the seventeen municipal reports which have been reviewed since March, 1928. An attempt will also be made to draw a few conclusions from the comparisons.

REPORTS REVIEWED

During the past six months the seventeen cities whose municipal reports are herein appraised were reviewed in the following issues:

June—Ironwood, Michigan, and Two Rivers, Wisconsin.

July—Berkeley, California, Lynchburg, Virginia, and Pontiac, Michigan.

August—Austin, Texas, Staunton, Virginia, and Westerville, Ohio.

September—Fort Worth, Texas, Kenosha, Wisconsin, and Oberlin, Ohio.

November—Brunswick, Georgia, and Cincinnati, Ohio.

December—Dayton, Ohio, Durham, North Carolina, Roanoke, Virginia, and Westmont, Quebec.

The twenty criteria upon which the ratings of the reports were based, briefly stated, are as follows:

I. DATE OF PUBLICATION

1. *Promptness.* The report will have little value unless published soon after the end of the period covered,—six weeks as a maximum.

II. PHYSICAL MAKE-UP

2. *Size.* Convenient for reading and filing, preferably 6″ x 9″.

3. *Paper and type.* Paper should be of a grade and the type of such size and character as to be easily read.

4. *Important facts.* The more important facts should be emphasized by a change of type or by artistic presentation.

5. *Attractiveness.* The cover, title, introduction, and general appearance should aim to attract the reader and encourage further examination.

III. CONTENT

A. Illustrative Material

6. *Diagrams and charts.* Certain established rules should be followed to insure an accurate and effective presentation.

7. *Maps and pictures.* A few well-chosen maps to indicate certain improvements, and a liberal supply of pictures, pertinent to the report, should be included.

8. *Distribution.* Great care should be exercised in placing the illustrative material contiguous to the relevant reading material.

B. Composition

9. *Table of contents.* A short table of contents in the front of the report is a great aid for ready reference.

10. *Organization chart.* An organization chart or table indicating services rendered by each unit, if placed in the front of the report, will help the reader to a clearer understanding of what follows.

11. *Letter of transmittal.* A short letter of transmittal which either contains or is followed by a summary of outstanding accomplishments and recommendations for the future should open the report.

---

[1] "Appraising Municipal Reports," National Municipal Review, March, 1928, pp. 150–153.

12. *Recommendations and accomplishment.* A comparison of past recommendations with the progress toward their execution will serve as an index to the year's achievements.

13. *Length.* Fifty pages should be the maximum length.

14. *Literary style.* The text should be clear and concise, reflecting proper attention to grammar, sentence structure, and diction.

15. *Arrangement.* The report of the various governmental units should correlate with the organization structure, or follow some other logical arrangement.

16. *Balanced content.* The material should show a complete picture, and each activity should occupy space in proportion to its relative importance.

17. *Statistics.* Certain statistics must be included but, wherever appropriate, they should be supplemented by simple diagrams or charts.

18. *Comparative data.* The present year's accomplishments should be compared with those of previous years, but only with full consideration of all factors involved.

19. *Financial statements.* Three or four financial statements should be included showing amount expended and the means of financing each function and organization unit.

20. *Propaganda.* It is unethical and poor taste to include material for departmental or personal aggrandizement. Photographs of officials, especially of administrators, would seem out of place in a public report.

The application of these criteria to the reports is shown in the accompanying table.

FALLIBILITY ADMITTED

The failure of this appraisal scheme to do full justice in all cases is readily admitted. For example, the Berkeley report, which rates lowest on the basis of the criteria herein established, must have created wide attention for it called forth a half-column editorial in the *New York Times*. It is further admitted that the criteria are mainly subjective and therefore the assigned values are largely dependent upon the judgment of the individual appraiser. A further inherent weakness in the plan is its failure to attach relative "weights" to the various criteria. As a result, under the present method the fact that a report is well illustrated by diagrams and charts counts no more than does the grade of paper and character of type. In the light of the experience in applying these criteria to over thirty reports, an attempt will be made during the coming year to remedy some of these defects.

CONCLUSIONS

In comparing the appraisal of the more recent reports with those appraised in the article of last March, there are some encouraging signs; but in some respects retrogression rather than progression is to be noted.

Promptness. It is gratifying to observe that the average time consumed in getting the report out after the end of the period covered has been shortened from four and one-half months to less than four. Five, or nearly one-third of the seventeen cities had their reports available in less than two months. The time varied all the way from less than a month to nine months. There is still much room for advancement in this respect.

Physical make-up. Under this heading the recent reports suffer in comparison, more especially with regard to the emphasis upon important facts. The seventeen reports taken as a whole yield a score of only 264 of a possible 340, a rating of 78 per cent. This is a slight decrease from the earlier reports.

Illustrative material. The diagrams and charts were more widely used in the more recent reports, but this gain was more than offset by the use of fewer pictures and maps. The distribution of illustrative material throughout the relevant text was about the same. Of a possible score of 255 the reports yielded 148, or a rating of 58

TABLE OF COMPARATIVE RATINGS OF MUNICIPAL REPORTS

Explanation: The number "5" denotes approach to an acceptable standard, while "0" indicates the value on that particular criterion to be practically negligible. Intervening numbers denote the degree of variation between these two extremes. A total of 100 would indicate a perfect score.

Criteria	Austin, Texas	Berkeley, California	Brunswick, Georgia	Cincinnati, Ohio	Dayton, Ohio	Durham, North Carolina	Fort Worth, Texas	Ironwood, Michigan	Kenosha, Wisconsin	Lynchburg, Virginia	Oberlin, Ohio	Pontiac, Michigan	Roanoke, Virginia	Staunton, Virginia	Two Rivers, Wisconsin	Westerville, Ohio	Westmount, Quebec
I. DATE OF PUBLICATION																	
1. Promptness	4	0	1	1	0	2	0	3	2	4	5	4	2	5	4	4	3
II. PHYSICAL MAKE-UP																	
2. Size	3	5	5	5	5	5	5	5	5	3	5	5	3	5	5	5	3
3. Paper and type	5	4	5	5	5	4	5	5	4	5	5	5	5	5	5	5	5
4. Important facts	3	4	2	5	2	0	3	0	4	3	2	2	2	2	0	0	4
5. Attractiveness	4	3	5	5	5	4	4	3	4	4	4	4	4	4	4	3	3
III. CONTENT																	
A. Illustrative Material																	
6. Diagrams and charts	1	0	5	5	0	0	4	2	4	4	3	3	1	3	3	3	0
7. Maps and pictures	1	2	0	5	5	2	4	3	3	4	2	4	0	3	4	3	1
8. Distribution	1	5	4	5	2	4	4	2	5	5	4	4	3	5	2	4	2
B. Composition																	
9. Table of Contents	4	0	0	5	0	0	4	0	0	5	0	0	5	0	0	0	0
10. Organization chart	0	0	5	5	0	0	0	5	5	5	5	0	0	0	2	0	0
11. Letter of transmittal	2	3	5	4	5	3	0	2	5	3	5	3	5	4	3	3	5
12. Recommendations and accomplishments	2	3	4	4	5	2	5	3	4	4	4	4	5	5	3	2	3
13. Length	3	0	5	0	0	0	5	0	5	0	5	0	0	4	5	5	5
14. Literary style	4	2	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
15. Arrangement	4	2	4	4	4	5	4	3	3	5	4	3	5	4	2	3	4
16. Balanced content	3	4	3	4	4	4	4	4	4	5	5	5	5	5	3	3	3
17. Statistics	3	3	4	4	3	4	4	3	4	4	4	4	4	4	4	3	3
18. Comparative data	1	3	3	4	1	3	5	3	5	5	5	4	0	5	4	3	0
19. Financial statements	3	4	4	4	3	4	4	3	4	4	4	4	4	4	4	3	4
20. Propaganda	3	3	5	5	5	5	5	3	5	5	5	4	5	5	4	3	5
Totals	54	50	73	83	58	55	73	56	79	81	80	66	62	76	65	59	57

per cent. This compares with 62 per cent for the previous year.

Composition. Here there was slight improvement. Only four of the seventeen reports, however, included a table of contents, and organization charts appear in but seven. Nearly all the reports had a letter of transmittal, but in some it was merely a perfunctory form.

In the length of the later reports there is reason to hope that eventually writers of reports will give more consideration to their readers. Last year the average length of the reports was 90 pages, while this year the average length was 78 pages. If all reports had been perfect on the basis of composition, the total score would have been 1,020. The actual score amounted to 671, giving a rating of 66 per cent as compared with 64 per cent for the previous year.

It was hoped that the creation of a municipal report division in the REVIEW would stimulate interest in the subject, and effect an improvement in the technique of public reporting. If the effort has been a contributory cause to more prompt and shorter reports, then perhaps the trial has been worth while.

THE INITIATIVE, REFERENDUM, AND RECALL IN GERMAN CITIES

BY ROGER H. WELLS

Bryn Mawr College

A review of the status and results of direct legislation and the recall in German municipal government, 1919–1928. :: :: :: ::

THE German Revolution of 1918 inaugurated an era of far-reaching political, economic, and social changes. On the political side, the post-war period brought, among other things, universal suffrage, proportional representation, the parliamentary form of government, and the initiative, referendum, and recall (*Volksbegehren* and *Volksentscheid*).[1] It is the purpose of this article to discuss the initiative, referendum, and recall in Germany, with particular reference to the cities.

At the outset, a brief historical survey may be of interest. Such an inquiry could begin with the popular assemblies of the early Teutonic tribes, but, for practical purposes, one may start with the nineteenth century. During this century, direct legislation was advocated by various German writers who built upon the foundations laid by Rousseau and the French Revolution, and who were also influenced by the practical example of direct government in Switzerland.[2]

---

[1] Under *Volksbegehren* and *Volksentscheid*, the Germans usually include the initiative, referendum, and recall, without sharply distinguishing between them. Thus, a *Begehren* may be either an initiative, a referendum, or a recall petition; while an *Entscheid* is the popular vote on an initiated or referred bill or a recall petition. In the present article, "initiative," "referendum," and "recall" are used according to their American definitions.

[2] The first of these writers was the Socialist, M. Rittinghausen (*La législation directe par le peuple*, Paris, 1850), who wrote direct legislation into the first party programs of the German

Moreover, as far back as 1869, direct legislation was incorporated in the program of the German Socialist party. Undoubtedly, the general adoption of the initiative, referendum, and recall during the last ten years has been due in no small measure to the Social Democrats. Finally, mention should be made of certain local precedents which are important for this study.

PRECEDENTS FOR DIRECT LEGISLATION

The first of these is the fact that, throughout a large part of the nineteenth century, there were elements of direct lawmaking in German local government. In the smallest communities, the town meeting of all voters (*Gemeindeversammlung*) was often substituted for and performed the functions of the elected town or village council. For example, in Baden, the town meeting was prescribed for all *Gemeinden* having less than five hundred qualified voters,[1] and a similar arrangement also existed in other German states. Indeed, these provisions for a town meeting have for the most part been retained down to the present time.

But it was in Bavaria that the principles of direct local government were most extensively employed. Under the Municipal Government Act of 1869, direct legislation in some form was authorized in all cities and towns.[2] In the towns, irrespective of size, there existed both an elected council and an assembly of all voters. Certain kinds of questions, *e.g.*, the formation of a new town from parts of existing towns, were required by law to be submitted to the town meeting for final decision. Other questions, *e.g.*, a change from town to city government, might be brought to a vote of the town meeting through a petition initiated by one-tenth of the voters. On the other hand, for those Bavarian communities legally classed as "cities," there was much less direct government. There was no town meeting and no local initiative, but a local referendum was made mandatory in cases involving a change from city to town government or from city to city-county government, in matters relating to the lease or usufruct of city lands, and in other specified instances.

In addition to town meetings and the local initiative and referendum in Bavaria, a special type of direct municipal legislation has been more or less continuously advocated in Germany since 1907. This is the *Gemeindebestimmungsrecht* or principle of "local option" as applied to the liquor problem.[3] As a result of the agitation, various local option proposals have been before the *Reichstag*, notably in 1912, 1923, 1925, and 1926.[4] According to the project of 1923, a local

---

Socialists. See Max Fetzer, *Das Referendum im deutschen Staatsrecht* (Stuttgart, 1923), *passim*; and Louis Faure, *Les institutions de gouvernement direct en Allemagne depuis la guerre* (Paris, 1926), *passim*.

[1] See Ernst Walz, ed., *Das badische Gemeinderecht* (Heidelberg, 1914), p. 51 and *passim*.

[2] See Karl Weber and Karl A. von Sutner, eds., *Bayerische Gemeindeordnung* (10th ed., Munich, 1913), *passim*. The restricted local suffrage which formerly prevailed in Bavaria and other German states must be kept in mind in the above discussion of town meetings and direct legislation.

[3] The paragraph on local option is primarily based on personal interviews with officials of the *Deutscher Verein gegen den Alkoholismus* (Berlin-Dahlem) and upon information contained in pamphlets supplied by that organization. See also Adolph E. Meyer, "Prohibition Movement in Germany," *Current History*, xxvi (April, 1927), pp. 65–67.

[4] A federal law was demanded because questions relating to liquor licenses were already regulated by federal statutes and hence did not fall within the legislative authority of the states and cities.

option question might be submitted to popular vote if one-fifth of the qualified voters in the municipality so petitioned. If three-fourths of the registered voters took part in the poll, and if two-thirds of those voting favored the measure, it was to be considered adopted. These local option bills have met with strong opposition in the *Reichstag* and have always been defeated in spite of support from the Communist and Socialist parties as well as from temperance and prohibition forces.

Meanwhile, the anti-alcohol propaganda continues and has given rise to "straw votes" (*Probeabstimmungen*) in many communities as to whether or not the inhabitants favored the adoption of the principle of local option. Thus, in December, 1925, there were no less than sixty-four *Probeabstimmungen* in widely separated cities all over Germany. These votes were in no sense official or carried out by means of the existing election machinery, but in a number of cases, local officials voluntarily assisted in the canvassing.[1]

WIDELY ADOPTED AFTER 1918 REVOLUTION

From what has just been said, it is apparent that both the theory and the practice of direct legislation were not unknown in pre-war Germany. Nevertheless, it was only with the Revolution of 1918 that there followed a widespread adoption of the initiative, referendum, and recall. At present, one or more of these devices are authorized, not only in the constitution of the *Reich*, but also in the constitutions of all the states except Waldeck.[2] However, in the municipal sphere, direct legislation and the recall have not been so widely taken up. The first task of the Revolution was to reform the *Reich* and the *Länder*, in consequence of which local government in a number of states (*e.g.*, Prussia) was allowed to carry on practically unchanged save for mandatory electoral changes such as universal suffrage and proportional representation. Of the eighteen German states, there are now nine—Baden, Bavaria, Bremen,[3] Brunswick, Lippe, Mecklenburg-Schwerin, Oldenburg, Saxony, and Thuringia—which authorize their cities to use one or more forms of direct legislation and the recall.[4] The existing legal provisions on the subject are set forth in the following tabular summary and in the subsequent explanation.[5]

PRESENT LEGAL STATUS OF MUNICIPAL INITIATIVE, REFERENDUM, AND RECALL

Initiative

States authorizing—Bremen, Brunswick, Saxony, Thuringia.

---

[1] The use of straw votes in German local government is not confined to the liquor problem, although such votes have been chiefly employed in that connection.

[2] The exception is unimportant as Waldeck has recently voted to unite with Prussia, the decision to take effect in 1929. For the federal and state constitutional provisions on the initiative, referendum, and recall, see Otto Ruthenberg, ed., *Verfassungsgesetze des Deutschen Reichs und der deutschen Länder* (Berlin, 1926). The best brief article on direct legislation and the recall in the *Reich* and in the states is Richard Thoma, "The Referendum in Germany," *Journal of Comparative Legislation and International Law,* third series, x, pt. 1 (February, 1928), pp. 55–73. This article, however, does not deal with local government. See also Johannes Mattern, *Principles of the Constitutional Jurisprudence of the German National Republic* (Baltimore, 1928), chap. xii.

[3] For the two harbor cities, Bremerhaven and Vegesack. Bremen itself has the status of a state.

[4] The initiative, referendum, and recall are also usually authorized for the towns or communes (*Gemeinden* or *Landgemeinden*) as well as for the cities (*Städte*), and, less frequently, for the counties (*Kreisen*).

[5] The table is compiled from the *Städteordnungen* and *Gemeindeordnungen* now in force. Space will not permit an enumeration of these statutes nor of the commentaries upon them.

Form—All states: indirect initiative.

Petition, number of signatures—Bremen, Brunswick: one-fifth of registered voters.
  Saxony, Thuringia: one-third of registered voters.

Vote necessary to adopt—All states: majority of registered voters must vote; affirmative majority of valid ballots cast.

Referendum

States authorizing—Bremen, Brunswick, Saxony, Thuringia.

Form—Saxony: popular referendum.
  Bremen, Brunswick, Thuringia: legislative referendum.

Petition—Saxony: one-tenth of registered voters.

Vote required—Saxony: vote necessary to defeat,—negative majority of registered voters.
  Bremen, Brunswick, Thuringia: vote necessary to adopt,—majority of registered voters must vote, affirmative majority of valid ballots cast.

Recall

States authorizing—Baden, Bavaria, Bremen Brunswick, Lippe, Mecklenburg-Schwerin, Oldenburg, Saxony, Thuringia.

Form—All states: petition and popular vote on dissolution of council.
  Baden: minister of interior may order popular vote on dissolution.
  Bavaria: council may order popular vote on dissolution.

Petition—Baden, Lippe, Oldenburg, Saxony, Thuringia: one-third of registered voters.
  Mecklenburg-Schwerin: one-fourth of registered voters.
  Bavaria, Bremen, Brunswick: one-fifth of registered voters.

Vote necessary to dissolve council—Mecklenburg-Schwerin, Oldenburg: affirmative majority of votes cast.
  Bavaria: three-fifths majority of votes cast.
  Lippe: majority of registered voters must vote, majority of votes cast must be affirmative.
  Baden, Bremen, Brunswick, Saxony, Thuringia: affirmative majority of all registered voters.

INDIRECT INITIATIVE

As shown in the table, the municipal initiative is authorized in the indirect rather than in the direct form. That is, if the regular legislative authority of the city enacts the measure proposed, no popular vote takes place. The Bavarian law of 1919 provided for the popular initiation of measures which the council might adopt, amend, or reject, but in case of rejection or amendment, no popular vote was held.[1] This unique feature was repealed by the *Gemeindeordnung* of 1927 which contains nothing on the initiative. In Bremen and Brunswick, the council's power is limited to the adoption or rejection of the initiated ordinance in the exact form in which it is submitted; but in Thuringia, the council may make minor changes in an initiated proposal.[2] Saxony allows the use of the initiative in connection with any matter which permits of regulation through local statute, while in the other states, various items such as budget and salary bills are specifically excluded.

With the exception of Saxony, where there are no restrictions of time, an initiated measure which has been rejected by the people cannot be resubmitted until after the next election of the council. The same rule holds with reference to the amendment by the council of ordinances adopted by the people.[3] The question has been raised as to whether it is possible to use the initiative as a means of directly electing certain executive officers who are legally chosen by the council. Such action is probably illegal; at the most, it is to be regarded merely as a straw vote which the council may follow or disregard at pleasure.[4] Only in

---

[1] Bavaria, *Gesetz über die Selbstverwaltung* (1919), Art. 29.

[2] The Saxon law is silent on the question of conciliar amendments.

[3] This applies to both the initiative and the referendum.

[4] See *Kommunalpolitische Blätter*, xv (April 25, 1924), p. 140.

Thuringia is such an employment of the initiative specifically forbidden by law.

The popular referendum, *i.e.*, one invoked by popular petition, is found only in Saxony.[1] Even here, its use is limited to two cases, namely, when the council votes for annexation to another city, or when the state ministry decrees the compulsory union of cities. If a majority of the registered voters votes against the union, no further action may be taken in the first case until a new council has been elected; while in the second case, the decision of the state ministry is deferred for three years. The other three states have the legislative referendum, *i.e.*, one which may be ordered by the municipal legislative authority. It will be recalled that the legislative referendum was used for certain purposes in Bavarian cities before the Revolution. Some of these uses were continued in the act of 1919, but no form of referendum is authorized in the *Gemeindeordnung* of 1927.[2] In general, the type of question excluded from the legislative referendum is much the same as for the initiative, *e.g.*, in Thuringia, budgets and taxes, rates to be charged for municipal services, and wages and salaries of city officials and employees.

RECALL USED ONLY FOR DISSOLUTION OF COUNCIL

The popular recall may not at present be legally used against individual officers as in many American cities. On the contrary, it may be employed only to determine if the city council shall be "dissolved" and a new election held.[3] If the people vote for the dissolution, there is no prohibition against the present councilmen again becoming candidates. In the troubled period which immediately followed the Revolution, the recall was sometimes authorized against the individual office-holder. Thus, under the Socialist régime in Brunswick, the *Bürgermeister* and other members of the *Stadtmagistrat* were all directly elected by the people and were individually and collectively subject to recall.[4] These provisions were not retained in the *Städteordnung*, of 1924. While normally the machinery for recall is set in motion by popular petition, in two states an alternative method is authorized. Thus, in Bavaria, the council itself may order a recall election, while in Baden the minister of the interior possesses a similar power. As a rule, a council elected after a successful dissolution only serves out the unexpired term of its predecessor.[5] In addition to the popular recall, German cities have also experimented with a "party recall." Since the writer has already discussed the party recall in a previous article, it need only be mentioned in this connection.[6]

---

[1] Lippe (*Vorläufige Gemeindeverfassungsgesetz*, 1919, Art. 16) authorized a popular referendum if 30 per cent of the qualified voters so petitioned. Moreover, under the same act (Art. 15), the *Stadtrat*, which corresponds to the *Magistrat* in Prussian cities, could appeal to the voters in case of dispute with the directly elected council. These provisions were not included in the new *Gemeindeverfassungsgesetz* of 1927.

[2] See M. Roesch, ed., *Bayerische Gemeindeordnung* (Munich, 1923), pp. 187–188 and *passim*.

[3] As a rule, the dissolution of the council affects the tenure of various unpaid executive officers (*Magistrate*, etc.) who are chosen by the council after each new conciliar election.

[4] Brunswick: *Gesetz über die Wahlen der Vorsteher und der Mitglieder des Rates in den Städten* (1919), Arts. 3, 7, 12. This recall was invoked by petition signed by one-fifth of the qualified voters; a majority of the votes cast was necessary to remove from office.

[5] In Bavaria and Brunswick, if the recall fails, no new attempt may be made for one year. Bavaria also allows no recall vote during the first year of the council's term of office.

[6] "Partisanship and Parties in German Municipal Government," NATIONAL MUNICIPAL REVIEW, August, 1928, especially pp. 479–481.

Having surveyed the existing legal provisions, one may now inquire as to the extent to which the municipal initiative, referendum, and recall have been used during the past decade. So far as the writer could determine, there have been only two attempts to invoke the initiative. In 1926, in the city of Holzminden, Brunswick (population in 1925, 12,192), an initiated proposal to change the *Bürgermeister's* term of office failed to reach a final popular vote because it was not supported by one-fifth of the registered voters. A similar initiated measure in the city of Escherhausen, Brunswick (population in 1925, 1,964), was satisfactorily disposed of by the council; consequently, the sponsors of the petition allowed the matter to drop. Five cases of referendum votes were reported. In 1922, the city council of Fürth, Bavaria (population in 1925, 73,693), ordered a referendum on the question of annexation to Nuremberg which was decisively defeated. Annexation referenda have likewise been voted upon in at least four small towns or communes (*Landgemeinden*).[1] The recall, however, has been more extensively employed as is shown below.

I. R. AND R. SELDOM USED

From the preceding discussion, it is apparent that direct legislation and the recall are seldom employed in German cities. This is especially true of the

THE POPULAR RECALL IN GERMAN MUNICIPALITIES, 1919–1928 *

Place	Date	Population (1925)	City or town	Recall of	Action
Baden					
Nordrach	1924	1,587	Town	Council	Failed
Oos	1927	4,361	Town	Council	Failed
Bavaria					
Munich	1920	680,704	City	Council	Failed
Treuchtlingen	1920	4,405	City	Council	†
Immenstadt	1925	5,614	City	Council	Adopted
Forchheim	1927	9,574	City	Council	Failed
Kaufbeuren	1927	9,160	City	Council	Adopted
Offenburg	1927	750	Town	Council	Failed
Brunswick					
Schöningen	1920	9,689	City	Bürgermeister	Failed
Schöningen	1925	9,689	City	Council	Failed
Oldenburg					
Eversten	1923	2,000	Town	Council	†
Saxony					
Wiesa	1928	2,954	Town	Council	Failed
Thuringia					
Bischleben	1926	1,700	Town	Council	Failed
Ilmenau	1926	13,612	City	Council	Failed
Gera	1927	81,402	City	Council	Failed
Neuhaus	1927	4,814	City	Council	Failed
Apolda	†	25,703	City	Council	†
Schlochtheim	†	3,830	City	Council	†

* The data given above are based upon a careful examination of the files of the chief municipal journals and upon questionnaires sent by the writer to various states and cities. The list is not complete owing to the fact that not all the questionnaires were returned; but it is sufficiently complete to give an accurate picture of the results of direct legislation and the recall. In addition to cities (*Städte*), towns (*Landgemeinden*) are included in the tabulation.

† Questionnaires not returned or returned with incomplete data.

---

[1] Lercha (1927), Meisatal (1927), and Pesterwitz (1926), all in Saxony; Allrode (1925) in Brunswick.

larger municipalities, Munich being the only *Grossstadt* which has invoked the popular recall. Moreover, the comparative non-use of direct legislation and the recall is not limited to the cities; it is also found in the federal and state jurisdictions as well. In the *Reich*, the sole case is the initiated measure confiscating the princes' property which was submitted to popular vote in 1926.[1] Thus far, in all the states combined, there have been only twelve instances where some form of the initiative, referendum, or recall has been actually applied.[2] Of these twelve, no less than eight directly or indirectly involved the recall or dissolution of the state legislature.

Hence it appears that both for the cities and the states, the recall has a distinct preference over the initiative and referendum. If one asks why this is, the explanation is to be found chiefly in the complexities of Germany's multi-party system. An analysis of the various recall elections makes this fact obvious. For example, in Munich, the non-Socialist parties attempted to overthrow the Socialist majority in the city council; while in Gera, it was the Socialist and Communist minorities which resorted to the same weapon. In Kaufbeuren, a dispute between the parties as to the council's choice of *Bürgermeister* led finally to a recall election. In short, the recall is a party instrument used to improve the representation or position of the party in the municipal legislature. Hampered by unstable coalitions, partisan strife, and deadlocks, German councils do not always serve out their full term of office. Indeed, one may wonder why the recall is not more freely employed. The answer is twofold.

REASONS FOR SLIGHT USE OF RECALL

In the first place, and this is especially true of the larger cities, it is not easy to secure the necessary number of signatures for the recall petition. Nor is it less difficult to obtain the affirmative vote of a majority of the registered voters, or even of three-fifths of those voting. With these stringent requirements, it is not surprising that only two recall elections out of fourteen were successful. Under such circumstances, the party leaders hesitate to incur the trouble and expense of appealing to the people unless there is strong prospect of success. Possibly if the procedure for direct legislation and the recall were made easier, these devices might be more extensively employed. Yet this solution does not commend itself to many Germans who hesitate to place these weapons within the reach of each one of the many parties.

In the second place, the recall is not widely used because there are other and sometimes easier ways of bringing about a new election of the council. Thus in Brunswick and Thuringia, the council may vote its own dissolution and thereby terminate a deadlock. In many states, the minister of the interior or some central authority has the power to dissolve municipal councils. During the past decade, a considerable number of cases have arisen where the minister was compelled to take this action. The procedure is very simple. The Socialist and Communist councilmen (or the non-Socialist members as the case may be) resign in a body, the council no longer has a quorum, and therefore, the minister must dissolve it.[3]

---

[1] See Harold F. Gosnell, "The German Referendum on the Princes' Property," *American Political Science Review*, xxi (February, 1927), pp. 119–123.

[2] This statement is based upon investigations made by the writer. See also Thoma, *op. cit.* Three of the twelve cases related to boundary changes. The plebiscites under the treaty of Versailles are not counted.

[3] The party substitutes provided for by the system of proportional representation also

CONCLUSIONS

After ten years of experience, it is not certain that the initiative, referendum, and recall have won for themselves a permanent place in German city government. The powerful Social Democratic party and, to a less extent, the Communists, still advocate direct legislation and the recall for all municipalities. On the other hand, where the first post-war municipal codes have been amended or replaced by later legislation drafted under non-socialist influences,[1] the scope of direct government has been considerably limited. The proposed Prussian Municipal Government Act authorizes a popular vote only upon the question of changing from the *Magistrat* to the *Bürgermeister* form of city government or *vice versa*.[2] The Model City Government Act (*Reichstädteordnung*), proposed in 1924 by the important German League of Cities (*Deutscher Städtetag*), makes no provision for the initiative, referendum, and recall but does allow the council to dissolve itself by two-thirds vote.[3] Outside of radical circles, public opinion is more or less opposed to such forms of direct government, and, at the most, is willing to concede their validity in only two cases, namely, for the recall of the council and possibly for the decision of annexation questions.[4]

One may, therefore, express the conclusion that while the formal legal provisions governing the initiative, referendum, and recall in German cities may remain for some time, these devices will in the future as in the past be sparingly used. As emergency weapons, they have some value, and this is particularly true of the recall. But it is highly improbable that they will be as widely used as they now are in some American cities.

---

resign. The question of the legality of such resignations is discussed in the previous article, "Partisanship and Parties in German Municipal Government," *op. cit.*

[1] As in Bavaria, Brunswick, Lippe, Saxony, and Thuringia.

[2] See *Kommunal Umschau*, ii (March 20, 1926), p. 112.

[3] *Entwurf einer Reichstädteordnung* (Berlin, 1925), Art. 12. For a good English translation of the *Reichstädteordnung*, see B. W. Maxwell, "The Proposed National Municipal Code of Germany," *Public Management*, ix (June, 1927), pp. 511–515.

[4] See C. Becker, *Zeitschrift für Kommunalwirtschaft*, xvi (May 10, 1926), pp. 441–442.

RECENT BOOKS REVIEWED

THE FINANCES AND FINANCIAL ADMINISTRATION OF NEW YORK CITY. Recommendations and Report of the Sub-Committee on Budget, Finance, and Revenue, of the City Committee on Plan and Survey. Herbert H. Lehman, Chairman. New York: Columbia University Press, 1928. Pp. 420.

Every public official and taxpayer who is interested in knowing the complexities of municipal finance in our larger cities can well afford to read this book. The questions respecting financial procedure here raised, and answered, should be enquired into for every city.

In June, 1926, Mayor Walker appointed 507 citizens to make a survey of the city and a plan for its future development. To proceed to this end, various sub-committees were named, including that on budget, finance, and revenue, comprising a membership of seventy-five, under the chairmanship of Herbert H. Lehman, more recently elected lieutenant-governor of the state. Among the members of this committee are found such names as Richard S. Childs, Richard M. Hurd, Otto H. Kahn, Darwin P. Kingsley, Herman A. Metz, and Edwin R. A. Seligman. Assuming that those invited to serve accepted service, and served, and that they signed the report, there stands ample guarantee of its completeness and impartiality.

The chairman engaged Dr. Lindsay Rogers, Professor of Public Law in Columbia University, to compile the material, and he was assisted in preparing the recommendations by Professors Howard Lee McBain and Robert Murray Haig, both of Columbia University.

The several chapters of the main body of the report were written by Joseph McGoldrick, Luther Gulick, A. E. Buck, Russell Forbes, Dr. John Dickinson of Princeton, and others. The appendices were prepared by still other authorities, while it is acknowledged that the entire report was made possible only by the assistance of Peter J. McGowan, secretary, and Thomas P. Smith, Jr., examiner, of the board of estimate, and other city officials. The high caliber of the authors reassures us as to adequacy of treatment of the subject.

The first sixty pages are devoted to the recommendations, under two main headings of Budget Problems and Revenue Problems. The second general section comprises 246 pages, in eight chapters, dealing with the fiscal structure of the city, planning of expenditures, expenditures for salaries, purchasing agencies and methods, the revenues of the city, the assessment of property for taxation and special assessments, the city's debt policies, and, finally, subway finance. The third general section of the report, 115 pages, comprises a series of nineteen appendices containing illustrative material pertinent to the preceding chapters. As to the body of the report, it is apparently a comprehensive presentation of the city's financial activities. (See October REVIEW, p. 600.) The very important subject of assessment of property was not investigated because of "lack of facilities," and pensions are not mentioned. The subject of subway finances is discussed at length.

Among the budget recommendations is one proposing a separate tax bill for education, in order that the people might become acquainted with the cost of education. It is proposed that the fiscal year be revised; that a truly executive budget be adopted, including revenues as well as expenditures, and also capital improvements; that condemnation procedure be strengthened; that salaries be adjusted scientifically; that purchasing and property control be centralized, etc. The revenue recommendations include the development of new sources of city revenue, including a gasoline tax; the abandonment of the state direct tax on real estate; extended use of special assessments; metering of water supply; and a tax on unincorporated businesses.

Already, one budget period has passed. An outsider wonders how far the constructive recommendations of the report thereon were availed of, or will be in the future.

C. E. RIGHTOR.

Detroit.

*

REGIONAL SURVEY OF NEW YORK AND ITS ENVIRONS: VOLUME V—PUBLIC RECREATION. By Lee F. Hanmer and Associates. New York: Regional Plan of New York and Its Environs.

The studies in this volume afford striking evidence of the importance of recreation as a governmental activity and a public responsibility. The region includes 5,528 square miles in New York, New Jersey and Connecticut, and ten millions of people. An analysis of the park, playground, and waterfront spaces and the probable present and future needs for recreation are set forth. However, it is not a "planning" proposal, as such, with an immediate program. This will be presented later as a part of the comprehensive regional plan.

This volume is divided into four major sections. The first discusses the general relation of recreation to the regional plan, and the growth, present extent, distribution, and value of recreation spaces. The second covers the use and opportunities for extensions of park and play areas in view of proposed space standards. The third sets up the results of a group of special field studies on the attendance, use, adequacy, etc., of particular recreation areas. Finally, there is an historical and legal treatment of public rights in waterfronts within this region.

There are some interesting phases of this study that merit notice. A table in Chapter II shows the increase in population and in park acreage from 1900 to 1925 by boroughs, and the wide variations existing in the number of persons to each acre of park space. In 1925 Manhattan had 1,130 persons per park acre, while the Bronx had only 212. The relatively recent and rapid development of county park systems both in New York and New Jersey and the effect on the value of abutting properties are also briefly recounted in this chapter. That charges for recreational facilities and concessions may be an important revenue is indicated by the collection of $465,000 by the Westchester Park Commission in 1927 from such sources.

What park and playground spaces are now located within this region, where are they, and of what size are they? These questions are answered in Chapter III with exact and complete data and some excellent maps and charts. Here again we notice the evident lack of any standard as regards total park acreage and population, with a range of less than one-eighth of an acre to 21.4 acres per 1,000 population. In addition, a count is taken of the private golf and country clubs in the region as to membership, property valuation, and acreage. Another important feature of this survey is the proposal in Chapter VI of definite standards for park and playground spaces based on several first-hand studies. Application of these standards to 138 districts in New York City revealed great differences in playground adequacy with only 25 of the 138 districts above the minimum standard for space.

This survey affords an excellent factual basis for the preparation of a concrete regional recreational program. It is clearly written, devoid of padding, and packed with pertinent data and should prove of the greatest value to regional and city planners and to all who are interested in public recreation.

Randolph O. Huus.

Western Reserve University.

*

Scientific Purchasing. By Edward T. Gushée and L. F. Boffey. New York: McGraw-Hill Book Co., 1928. Pp. ix, 196.

Purchasing. By W. N. Mitchell. New York: The Ronald Press Co., 1927. Pp. xiii, 385.

These books are important additions to the rapidly-growing volume of literature on purchasing. Since Twyford's pioneer work was published in 1915, six other volumes have now been issued on the general subject of matériel procurement.

In 1915 centralized purchasing in private and public business was by no means sufficiently systematized to be termed a science. It is now, however, fast becoming so, and Gushée and Boffey are the pioneers in discussing purchasing as an organized branch of our business system. They have written from a wealth of personal experience, and have produced a book in which an amazing amount of information is contained within 200 printed pages. From the standpoint of conciseness, *Scientific Purchasing* is a valuable manual for the busy purchasing agent.

The conciseness of this volume is likely, however, to delimit its field of usefulness. Instructors in the fifty-odd courses in purchasing, which are today being offered in colleges, universities, and Y. M. C. A. trade schools, have long been looking for a suitable textbook. *Scientific Purchasing* is too condensed for classroom use, except as a supplementary text. Written for the trained purchasing agent, the principles set forth are not sufficiently elaborated for the average student who approaches a purchasing course with an open mind and a blank notebook. It is to be regretted, too, that the authors, with their own experience and hundreds of successful systems to draw upon, failed to include more illustrative forms. Only a few forms are presented, and these are grouped together in a concluding chapter. The principles of scientific purchasing would have been easier to comprehend if illustrated by leading and representative practices.

The absence of sub-heads also detracts from the practicability of the volume.

But these weaknesses of the book are far outweighed by its distinct merits. The subject is presented in two parts—the first dealing with the principles, and the second with the methods, of scientific purchasing. The principles are seven in number, as follows: centralization of purchasing responsibility, competent personnel, adequate equipment and records, coördination with other departments, the knowledge of what to buy, material standards and specifications, and fair dealing with suppliers. The reviewer knows of no clearer and more explicit statement of the scope of authority of a purchasing office than the following, which appears on pages 13 and 14:

> In substance, centralization of purchasing insures that all purchases shall be handled and consummated by the purchasing division; that the purchasing division shall be responsible for the procurement of materials or equipment in conformity with specifications or in keeping with the requirements for which the goods are specified; that the selection of sources of supply shall be the function of the purchasing division; that while intermediate negotiations may be conducted between sales concerns and other departments of the buyer's company, such negotiations shall be conducted with the knowledge and approval of the purchasing agent; that the consummation of all purchase transactions shall be left to the purchasing department—and, by no means least important—that these prerogatives of the purchasing department shall be understood and willingly adhered to by all other department heads and officials, without surrendering their own rightful functions.

The second part of the book discusses with equal clarity the various steps involved in the purchasing procedure, from the determination of need and the filing of an estimate or a requisition, to the issuing of the matériel from the stockroom or its delivery by the supplier for consumption, conversion, or resale.

Mitchell's *Purchasing* is the most detailed and comprehensive discussion now available on the market background of the purchase transaction and on planning the volume of purchases in consonance with the production schedule and sales forecast. It describes fully and completely the precautions to be observed, and the difference in procedure to be followed, in the purchase of raw materials, semi-manufactured goods, and finished goods. This volume is also unique in comprising a full discussion of the purchase budget and the methods of inventory control, and contains a much needed discussion of the monthly or annual report on the work of a purchasing office. It is replete with illustrations which enhance its value for the general reader or student.

The book, however, gives the impression of having been hurriedly written. In many places the discussion is verbose and too highly detailed to be easily understood. It is more adaptable to the field of merchandising than to manufacturing. Nevertheless, Mitchell's *Purchasing* ably supplements *Scientific Purchasing* by Gushée and Boffey; the two in conjunction constitute valuable text material for an academic course in purchasing.

RUSSELL FORBES.

*

PROBLEME DER NEUEN STADT BERLIN.[1] Compiled by Erwin Stein and Hans Brennert. Berlin-Friedenau: Deutscher Kommunal-Verlag G.m.b.H., 1926. Pp. 664.

After a good many years, we in America gradually have been orientated to the idea that compounded statistical tables may not really represent all that profitably might be said of the government of our municipalities. It is in this connection that the symposium prepared by Erwin Stein, General Secretary of the Verein für Kommunalwirtchaft und Kommunalpolitik, and Hans Brennert, Director of the Bureau of Information of the City of Berlin, probably will fulfil its highest purpose.

The book is strikingly simple in arrangement. An introductory section treating of the history of Berlin since the creation of the *Gros-Stadt*, of the relations of the governments of the districts and the greater city, and of the problems of regional structure and local administration, brings one immediately to a functional discussion of the activities at present engaged in by the chief city of the Republic. Each of the major functional divisions is treated in two or more short articles upon the more important phases of its operations, written, it should be noted, by the official best qualified to discuss a particular aspect of the administration—the director of the activity. For this reason, doubtless, the publication not infrequently lapses into a Leibnitzian vein, with the prototype of which, the average chamber of commerce pamphlet, we are not altogether unfamiliar in this country. For the most part, however, the articles are accurate, concise, and conservative in their estimates.

---

[1] See also the review of other monographs in this series, on pp. 56–58 of this issue.

The compilation evidently was prepared primarily for purposes of popular information rather than scientific evaluation. One wishes at times that the contributors had realized the experimental character of the government of Greater Berlin, its importance to subsequent solutions of the metropolitan problem, and the necessity of a complete record of its operations. The first two sections of the book, embracing less than seventy pages, are altogether inadequate to this purpose. As a presentation, in perspective, of the activities of one of the greatest and most progressive cities of the world, the publication is obviously, however, vastly superior to anything we have yet produced in this country. It is written in vigorous and vivid style, and in the best German tradition.

ROWLAND EGGER.

University of Michigan.

⁂

FIRE PROTECTION AND FIRE PREVENTION ORDINANCES. The League of Minnesota Municipalities. University Library, Minneapolis, Minnesota, 1928. Pp. 9.

This pamphlet contains seven ordinances on fire protection and fire prevention subjects prepared by the League of Minnesota Municipalities in the course of its work on a code of ordinances suitable for villages in Minnesota. With certain modifications these fire-protection ordinances, which are now being recommended by the League to village councils in Minnesota, may be enacted separately or as a code.

The first ordinance, No. A, is a general one to cover the construction and manner of enforcement of all ordinances. It is recommended by the League for enactment by all villages of the state. After the first ordinance has been adopted, penalty sections, definitions, and other matters covered by the ordinance may be omitted from future ordinances on any subject.

Ordinance No. B would provide for the establishment of a volunteer fire department, define its organization, make rules for the government of the department, and fix rates of pay. The third ordinance would define fire limits, establish a building code, require permits for construction, and provide for fees. Although electric installations would have to conform to the national electric code, it is apparently the intention that the building code will not be a general code, but will regulate construction only for the purpose of preventing fire hazards.

Regulation of the storage and handling of dangerous liquids is the subject of the fourth ordinance, and the fifth would require permits for the sale at retail of certain fireworks. Ordinance No. F would regulate the manner of construction of radio antennae and guy wires, and the last of the set would regulate the burning of trash.

Through the adoption of these ordinances by the villages a two-fold benefit is anticipated by the league. If the regulations are enforced the loss from fires should be materially decreased. Furthermore, lower fire-insurance rates may result from the credit given for such ordinances in establishing the fire-insurance rate base.

C. A. HOWLAND.

⁂

TRAFFIC WORK OF POLICE DEPARTMENTS. Public Safety Series, No. 18. Published by the National Safety Council, 1928. Pp. 30.

This pamphlet is a correlation and analysis of traffic work in the police departments of 103 American cities including all those of the first rank. It presents the facts in such form as to make possible simple, rough comparisons by any person interested in studying the salient features of traffic work either in a given city or on the average throughout the country. It also draws some sound general conclusions as to methods for improving such work.

The pamphlet should be very useful as a means of informing a non-technical person interested in the general subject, or in arousing interest in a community which has not yet had a competent traffic engineer make a survey of its local problem.

New students of traffic control problems, however, should bear in mind that the tendency present in all military organizations for specialists to exalt their specialty at the expense of the fundamental arm—infantry—is paralleled here in the tendency to emphasize traffic work in comparison with the more fundamental patrol and detective work of the police.

GEORGE H. MCCAFFREY.

New York City.

JUDICIAL DECISIONS

EDITED BY C. W. TOOKE

Professor of Law, New York University

Billboards—Not to Be Classed as Buildings.—In *Town of Union* v. *Ziller*, 118 So. 293, recently decided by the Supreme Court of Mississippi, the plaintiff sought to enjoin the removal of billboards on his property built of wood and sheet iron and extending some fifty feet in length with a height of eleven feet. The town authorities had created a fire district which included the property in question and provided that there should not be constructed therein any building of sheet iron, wood or other combustible material, and that any such building thereafter constructed should be deemed a nuisance which, after notice to the owner and his failure to act, might be abated by the marshal.

In sustaining the injunction decreed against the town, no question was raised as to the validity of the ordinance, but the court based its decision upon the finding that the word "building" did not include billboards, and that the ordinance, being restrictive of the rights of the property owners, must be strictly construed. See, accord, *New York* v. *Weinberg Co.*, 122 App. Div. 748; *Clark* v. *Lee*, 185 Mass. 223.

◆

Streets and Highways—Abutting Owners—Right of Access.—In *Denman* v. *Tacoma*, 268 Pac. 1043, and *Denman* v. *Mattson*, 268 Pac. 1045, the Supreme Court of Washington reasserted the full control of the public authorities over the grant or revocation of licenses to abutting owners over parking within the street lines, subject to their right of reasonable access. By an improvement of a street which necessitated the building of a high retaining wall, the plaintiff's property was left without immediate access to the street, and the city granted him a permit to construct a driveway on grade over the entire length of the parkway in front of the adjoining property belonging to Mattson. This license was later revoked and permission given him to use only so much of that portion of the parkway as would give him reasonable access to the street. The court held adversely to the plaintiff's claim that his right to use of the parkway was vested, but admitted that a use of part of it must be accorded him to provide him with a reasonable access.

The second suit, adjudicated by the court at the same time, was brought by the plaintiff to compel his neighbor to remove a fence inclosing part of the parking space in question which was necessary to give the plaintiff reasonable access. The defendant claimed that the value of plaintiff's property was so small and that it was so unsuitable for building purposes that the consequent damage to his own property outweighed any advantage to him. The court held, however, that the defendant's rights were subject to those of the public and that the full control of the city over all the lands within the street extended to the appropriation of a part of the parkway for providing access to the plaintiff's property.

◆

Street Traffic—Relative Rights of Pedestrians at Crossings Controlled by Automatic Signals.—In *Griffith* v. *Slaybaugh*, decided by the Court of Appeals of the District of Columbia November 5, 1928 (not yet reported), an action by a pedestrian for injuries by the owner of an automobile at a crossing where traffic was controlled by automatic lights, the court reiterates the principle that the duty upon drivers of cars is commensurate with the possibility of the danger to others. In applying this rule, the court lays down emphatically that the driver's right is subordinate to that of the pedestrian at crossings, and that the right of way of the pedestrian who has started to cross when his way is open, continues till he reaches the other side, notwithstanding a change in the signals during his progress. Justice Van Orsdel in the opinion says:

> The rule here announced may appear to be a harsh one, but the traffic conditions in our crowded streets demand it for the protection of life and limb. Drivers of automobiles should remember that pedestrians have the right of way on all crossings, excepting at controlled crossings, where they have the right of way to enter upon the crossing when the crossing is open, and that right of way continues until they have reached the opposite curb. As a matter of public policy and public interest, drivers of automobiles should be held to the strictest accountability where pedestrians are injured at public crossings, and

there should be no laxity on the part of courts in applying the rule of negligence in such cases.[1]

It may be noted that the model municipal traffic ordinance adopted the rule enunciated by the court, and recommends that in cities where public opinion will support such control, the additional provision should be inserted that at controlled crossings the pedestrian shall not start to cross when the signal is against him (Sec. 16). The new motor law of Pennsylvania leaves the relative rights of the driver and of the pedestrian who has started to cross on the open signal indefinite and evidently without any power in the municipality to further regulate by ordinance (Sec. 1017).

*

Zoning—Consent of Neighboring Owners.—Probably the most important recent case on zoning is *State ex rel.* v. *Roberg*, decided by the Supreme Court of the United States November 19, 1928. The relator was trustee for a philanthropic home for the poor which sought to erect a new building in a restricted district without obtaining from the majority of owners of the neighboring property within 400 feet the consent required by the ordinance. Upon this ground the defendant superintendent of buildings refused to grant a permit, and the plaintiff brought an action to compel its issue. In the Washington courts the decision was adverse, but the Supreme Court reversed the judgment and held that the right of the trustee to use his property in any legitimate way was within the protection of the Federal Constitution. So long as such use would not affect the health, safety, morals or welfare of the community, it fell beyond the domain of the local police power. In any event, the delegation of the control of the matter to the neighboring owners without prescribing a standard of action to be followed was repugnant to the due process clause of the fourteenth amendment.

By its decision in the above case and in that of *Nectow* v. *Cambridge* (48 S. Ct. R. 447), decided May 15 and reported in our July issue, the Supreme Court has put itself upon record against sustaining any application of zoning regulations that clearly are not based upon the protection of the property, safety, morals or general welfare of the community. Several state courts have given far too extensive a force to the court's decision in *Euclid* v. *Ambler Realty Co.* (272 U. S. 365), notwithstanding Justice Sanford's warning that it dealt only with very general principles, and its effect has been to encourage in some instances the enactment of zoning ordinances which may not stand the test of judicial review.

*

Torts—Negligence in Activities Connected with Streets.—In *Rournbos* v. *Chicago* (not yet reported) the Supreme Court of Illinois recently had before it the question of the liability of the city for the death of a little girl whose clothes were ignited from a pile of rubbish which had been collected and set on fire by an employee of the street cleaning department. In affirming a judgment for the plaintiff, the court in an extended opinion reviews the conflict of authority upon the question whether such care of the streets is to be considered, from the standpoint of tort, a governmental or proprietary function, and takes the more advanced position with those courts which subject the city to liability, although the acts are incidentally in the interest of the public health. (*Missano* v. *The Mayor of New York*, 160 N. Y. 123.)

In *Tillman* v. *District of Columbia* (56 Wash. Law Reporter 854), decided November 5 by the District Court of Appeals, the court holds that there is no liability incurred for injuries to a child from the negligent operation of a sprinkling shower maintained in a public street for the use of children. The court, which has taken advanced ground on the duty of the municipality to maintain the streets in a safe condition, felt bound to follow *Harris* v. *D. C.*, 256 U. S. 650 (1921), in which a similar question was certified to the Supreme Court and the answer given that street cleaning was a governmental and not a proprietary function. (Justices Holmes, Brandeis and Clark dissented.)

In *Warren* v. *Boonville*, 118 So. 290, the Supreme Court of Mississippi holds the town to be immune from liability for injury to a prisoner forced to work on the streets while shackled and chained, from which exposure he lost the use of one of his legs. In this case the injury was not due to any defect in the street or negligence in the care thereof, but was directly caused by the act of officers who were executing the penal laws of the state.

*

Streets and Highways—Dedication—City Plan.—An interesting situation bearing upon the dedication of highways to the public by the platting and sale of lots arose in *Paducah* v. *Mallory*, 9 S. W. (2d) 1015. The action was for a declaratory judgment wherein the city sought a definition of the rights of the public to certain lands as streets, which were included in territory annexed to the city in 1926. In 1890, an improvement company platted a section lying at the extreme west end of the city and extending beyond its limits over the property of the defendant's predecessor in title, who was largely interested in the development. Upon the maps and blue prints of the company, with reference to which it sold lots, was indicated a boulevard one hundred feet wide which extended through the intervening land. Over that portion the owner granted a right of way to a strip twenty feet wide to a street railroad company and fenced in the remaining portion. In 1923, the widow of the former owner sold off lots in which she recognized the street in describing the property, and upon partition proceedings among the children the street limits were tacitly accepted. After the annexation in 1926, ordinances were passed to improve the street, but the defendant claimed there had been no dedication, and that if there had been, the title of the public had been lost by adverse possession.

---

[1] The court cites as the leading cases: *Gilles* v. *Leas*, 282 Pa. St. 318; *Riddell* v. *Lyon*, 124 Wash. 146; *Patterson* v. *Wagner*, 204 Mich. 593; *O'Connell* v. *Lusk*, 122 Kan. 186; *Quaker Cab Co.* v. *Fisher*, 4 Fed. (2d) 327.

The Supreme Court of Kentucky, in holding that the lands in question were irrevocably dedicated by the act of the defendant's predecessor in title, said:

> The lower court was correct in holding that evidence was sufficient to show the dedication of Jefferson street through the property belonging to Dr. Caldwell. It has long been established by the decisions of this court that, when the owner of land divides it into building lots, designating streets and alleys between the lots, making a map thereof, which defines the lots and streets and alleys through the lots, it is a dedication of the streets and alleys, although they have not actually been opened. If the owner of the land has sold the lots as bounded by such streets and alleys, such conduct amounts to an immediate dedication of the streets and alleys to the use of the purchasers and the public. . . . When lots are purchased after such division of property into lots has been made, with a clear reference to the streets and alleys, such streets and alleys become at once irrevocably dedicated to the personal convenience and necessities of the purchasers, and not only to the purchasers alone, but to the public as well. Neither is it necessary that the streets and alleys be accepted by the city or town immediately upon their dedication.

In disposing of the claim of title by adverse possession, the court points out that one who dedicates property to the use of the public and thereafter retains possession of it "holds as a trustee for the public until it may be accepted by the public in some recognized manner." Of course, had the owner erected buildings upon the property in question, the city might be held to have forfeited its power to accept by laches or waiver. (*Jordan* v. *Chenoa*, 166 Ill. 530; *El Paso* v. *Hoagland*, 224 Ill. 263.)

The effect of this decision as bearing upon the Kentucky statutes, which seek to protect the city plan by control of the privilege of dedication, is obvious. For references to recent cases in accord, see note in the October issue of the REVIEW.

PUBLIC UTILITIES

EDITED BY JOHN BAUER

Director, American Public Utilities Bureau

Commissioners Survey Regulation.—While state commissions have been subjected to a great deal of criticism during recent years because of their failure to meet the expectations of regulation, they have done very little on their own initiative to remove the difficulties and to place regulation upon an administrable and financially sound basis. Among the principal reasons why regulation has reached practically a state of deadlock, has been the failure of the commissions to see what is necessary to make the system effective. In the main, they have done next to nothing in setting out the problem and in bringing the facts and issues either squarely before the courts or before the legislatures for the purpose of establishing a workable system through legislation.

We have restated many times the fundamental need of clearing up what constitutes "fair value" for rate-making. Under present conditions, "fair value" is an undefined and variable quantity, which is not capable of satisfactory determination, and does not furnish a sound basis of rate control. What is needed is a definite rate base, which will set forth exactly the rights of the investors and the obligations of the consumers, and will be shown constantly by the accounts and the records of the company.

Before the war and the great rise in prices, a workable policy was under process of development. "Fair value" promised then to become substantially what is necessary for effective and sound administration. The great shift in prices, however, has injected the variable and undeterminable reproduction cost factor into valuation. This has made the whole system of rate-making hopelessly cumbersome and inefficient. This development did not come in a day, and the commissions might very well have faced more directly and vigorously the unsatisfactory conditions. With the exception of the Interstate Commerce Commission, in the St. Louis and O'Fallon case, there is not a single commission which has set forth the facts and problems in a comprehensive way, so as to get the favorable consideration of the courts. Nor has any commission formulated a program of what is necessary, and asked for legislative action, although the Massachusetts commission is working somewhat in that direction.

We are glad to note, however, that at least some commissioners realize the gravity of the situation, and are making constructive suggestions, especially to the end of coöperation among the commissions. Chairman William A. Prendergast, of the New York Public Service Commission, discussed the problem at the annual meeting of the National Association of Railroad and Utilities Commissioners, at Dallas, Texas, on October 18, 1927. Later he discussed the same subject before a conference of the Pennsylvania, New York, New Jersey, and Maryland commissions, at Philadelphia, January 13, 1928. At this meeting he set out a formula for a fixed rate base, which would start with an adjustment as of a given date, to take into account the price levels and costs at that time, to which subsequently would be added additional investment, and from which would be deducted retirements and further accruing depreciation.

In an address before the American Gas Association, at Atlantic City, on October 10, 1928, Chairman Prendergast made a survey of regulative problems, and he reverted again to the valuation problem and set out for consideration the formula that he had previously proposed. He realizes clearly the extreme difficulties of the present system and the necessity for establishing a definite rate base that eliminates repeated valuations, disputes, and constant litigation. In regard to his particular formula, there may be ground for disagreement—although, as we see it, it might be readily adapted to meet the conditions in most cases. The important point, however, is that he would cut through the confusion of "fair value" and establish a rate base which is definite, exact, and administerable, and which will be actually "fair" and sound from a financial standpoint.

Chairman Prendergast in his latest address considered particularly the conflict between the public and the companies, and pointed out the financial handicaps of the commissions and the municipalities in dealing with valuation. The companies spend money prodigally in seeking to establish high valuations, and their testimony has usually the superior probative force, because it is not balanced by equal lavishness on the public side. He refers somewhat caustically to municipal officials, that "the conflict over rates has degenerated into a factious proceeding, in which municipal officers endeavor to use the occasion as a means of enhancing their political control over the unthinking elements of the community." While, of course, the commissions are confronted with demagogic appearances, the very situation of regulation promotes them. In most instances there is no other course for the municipalities themselves but to put up the sternest fights possible to get rate adjustments which ought to be made as a matter of ordinary administration, without conflict at all.

The difficulty is in the cumbersome system. If there were a definite rate base, which rested upon clear-cut definition and exact facts, the occasion of conflict would disappear and there would be no room for demagogic displays. The work of rate control would be a scientific procedure, conducted in a quiet and unobtrusive manner, by accountants and engineers. The system is at fault, and, unfortunately, with rare exceptions, there is no clear comprehension among the commissions as to where the trouble lies and what should be done about it.

There is here and there a voice that speaks up with intelligence and vision. Chairman Lewis E. Gettle, of the Wisconsin Railroad Commission, in an address before the Southern Appalachian Power Conference, touched on the same problem, pointing out the larger needs to make regulation effective. He spoke particularly of the difficulty of maintaining an adequate force of experts to deal properly with the many properties under the commission's jurisdiction. He referred also to the difficulties of valuation, and pointed out the impossibility of proceeding with constant revaluations. He did not point out, however, what should be done to remedy the difficulty.

In our opinion, there are three courses which may be pursued simultaneously or seriatim, as the circumstances may require. The first need is for the commissions themselves to realize what they are up against, and to appreciate the fact that regulation will be swept aside if it is not made reasonably effective. If they do realize what is needed, then they may readily coöperate on their own initiative along the lines proposed by Chairman Prendergast. In the second place, they may carry directly and forcefully the situation before the courts in individual cases—as the Interstate Commerce Commission is doing in the St. Louis and O'Fallon case[1]—that regulation is impracticable unless it is placed upon a definite and administrable basis. In the third place, they can bring the facts before the legislature and ask for a legislative survey of the situation, with the purpose of laying down as a matter of direct law how the job of regulation shall be specifically carried on.

The trouble, to start with, is the lack of clear comprehension on the part of the commissions and other public officials. This realization is a necessary prerequisite before any constructive program can be adopted.

◆

Public Credit for Water Power Development.—In our brief survey of fundamental factors to be considered in the development of a water power program, we favored public financing because of the lower interest rate at which the necessary funds could be obtained.

Our position has been called in question as to comparability of conditions. We are asked whether there would be any material difference in interest rate if the securities issued either under private or public financing were based entirely upon the particular utility itself. We concede that probably there would be no marked advantage in lower interest rate through public development and financing, if the bonds issued were to be based wholly upon the water-power properties and their prospective earnings. Under such a limited public arrangement, the cost of financing a large project might even be higher than through a large existing private company with well-established credit.

The assumption underlying the above query is that the general public credit should not be used for a particular public development, that each project should be financed as an independent proposition. We do not share that view. The low interest rate at which either the federal or a state government could borrow money for water-power development, is due to the greatest security under such collective financing. The credit standing of a group improves as the number of people increases, and the foundation of the credit widens. The people, taken collectively, in a state or in the nation, can furnish the greatest of security for any loan, unless even the combined credit has been impaired by reckless undertakings.

---

[1] See NATIONAL MUNICIPAL REVIEW, December, 1928, pp. 773–4.

We do not see why the advantage of low interest rates, due to high collective credit, should not be used for any public purpose. If there is public advantage in the development of any particular project, there is no basic reason why the public credit should not be used. We believe it should be, provided that it is not applied to unwarranted objects. High public credit is the expression of collective stability and furnishes a medium for general economic progress.

If each project to be dedicated to public purposes were to be financed as a distinct and independent proposition, the public would penalize itself by adopting needless limitations. If the state or the federal government is acting collectively for public advantage, why should it not proceed to use also the credit which is available because of its collective financial stability? The use of such general public credit for water power development does not mean that the several projects should not be made financially self-sustaining. The policy might well be adopted that the price at which electricity is sold, either for transmission or distribution, must cover the full cost, including depreciation and interest on the invested capital, and also the cost of long-term amortization. This would provide for a financially self-sustaining system. It would not require, however, that each project must be financed as an independent unit. It does not preclude the use of public credit for public purposes.

The view as thus set forth is not novel. It involves no departure from recognized policy in all sorts of public financing of special undertakings. The city of New York, for example, has invested over 300 million dollars in subways, and has issued the bonds upon general city credit, which will enable the rapid transit system to become the more readily self-sustaining. Practically every city in the country which owns its own water system has used its general credit for financing, even though the system must pay its own way through rates charged to consumers. Public streets, roads, sewers, schools, etc., etc., are made available through general public credit.

There is hardly a conceivable improvement undertaken as a general public purpose which has not been financed upon a collective basis. If any project is of sufficient importance to give it a public character, then there is full justification to use the general public credit to make the facilities and service available at the lowest possible cost to the public. This is a policy which applies to all important undertakings. The proposal to base the financing upon the special project is really novel, and is, of course, presented for the purpose of defeating public development and public financing.

May we state again, however, that while we are firmly convinced that public financing is essential in all the important water-power developments, this does not necessarily require public operation. The mode of operation should be determined according to available alternatives.

*

Commissioners Oppose Public Ownership and Operation.—At the recent meeting of the National Association of Railroad and Utilities Commissioners in New Orleans, a special report of unusual interest was presented by the committee on public ownership and operation. It took a flat position against public ownership and operation. It quoted from President Coolidge and Mr. Hoover in support of its position. Its view was that successful business requires men of such broad vision and trained minds as cannot be obtained within public organizations. It held, moreover, that the functions of government are specific, and do not include the operation of business enterprises. "Government in business tends to socialism, and socialism is contrary to all the tradition of our people and to the principles of government as expressed in the constitution of the United States."

And so this organization, which exists for the exchange of experience and discussion of ways and means for the more effective control of utilities, does not find enough to do in its own province, notwithstanding the rather common opinion that the job of regulation is not being done any too well anywhere by any commission. Forsooth, it was thus impelled to step beyond its borders, and to issue fundamental declarations in a field in which there are sharp differences of opinion even among people who are most competent to judge and who have devoted a lifetime to the study of the complicated factors involved.

Its declarations have, of course, no intrinsic value, and will hardly affect the course of events. They do not change the fact that government has been and is in a great deal of business, in much of it very successfully, and might well enter many other business spheres. We do not subscribe to the blank check of general government ownership and operation; nor can we see any general validity in the opposite doctrine. The dictum by the Association can only serve, in a small way, to arouse further opposition to the commissions and possibly to impugn them with complicity in the power propaganda against public ownership and operation.

Let us suggest that the Association can serve the public interest much better if it follows the suggestions of some of its members and considers the needs of its own job. It has plenty to do to set up a decently-working machinery of regulation. If it looks after that task, it will not need to worry about public ownership and operation. If it fails, it cannot hold back that much-dreaded development by issuing sophomoric proclamations. We beg the Association to get busy with the job that waits on its doorsteps. We should add, however, that the Association merely received the report of the special committee, without a resolution of adoption.

*

Re-Argument in New York Subway Fare Case.—The large number of people interested in the New York City subway five-cent fare case, were quite startled when the Supreme Court, on November 19, ordered that the case should be re-argued on January 14, 1929, and that new briefs should be filed. The Court added, rather sharply, that the briefs "shall be compact, logically arranged, with proper headings, concise, and free from burdensome, irrelevant, and immaterial matter."

This is a rebuke of unusual severity to counsel all around. It was apparently intended to apply to company's counsel as well as to the city of New York and the transit commission. There were, undoubtedly, too many briefs, and too little coördination; too many side issues, and too little clear statement of fact; too much harangue, and too little direct law. The new briefs may well stand as models of difficult legal exposition; the new argument will, doubtless, be lucid; and the answers to questions from the bench will be non-evasive.

There is, however, this to be said for counsel. Unless the case is decided according to the plain language in the contract between the city and the Interborough Rapid Transit Company, it leads inevitably into entanglements of fact and legal abstruseness which cannot be presented in such a "brief" as the Court desires. The company's attack upon the five-cent fare, fixed by contract, is based upon legal metaphysics which includes the consideration of state constitution, state statutes, their interrelation with a vast array of technical facts, the implied policy of the state, the intention of the Legislature, and the state of mind of the contracting parties, not to mention several lines of cases and their application. The case is either very simple—and should never have reached the Court—or it is enormously complicated with intangible and nebulous legal and constitutional conceptions. Since it originated and was presented in the latter form, obfuscation appears inevitable, and the attainment of clarity desired by the Court would indeed be a constructive achievement.

It may be of interest to add that the company, between January 1 and October 31, 1928, spent $789,912 in its efforts to break the five-cent provision of the contract. It is trying, moreover, to make this outlay a charge against the operation of that contract, and thus compel the city to pay virtually the entire cost of the litigation. The cost includes $160,000 for counsel fees, and $378,000 for experts. The rest consists of miscellaneous expenses, and particularly of the preparation for tokens, tickets, and special arrangements for putting into effect the seven-cent fare, if and when effective.

*

Service Charge Rejected in Boston.—On November 16 the department of public utilities of the state of Massachusetts rejected the schedule of gas rates filed on June 20, 1928, by the Boston Consolidated Gas Company. This schedule was to become effective originally on August 1, 1928, but was suspended by the department pending an inquiry into its justification.

The schedule fixed a direct service charge of 50 cents per month, and then charged 15 cents per hundred cubic feet for the first 600 cubic feet of gas consumed each month, and thereafter 9 cents per hundred cubic feet in excess of 600. The board concluded that this arrangement virtually fixed a service charge of 86 cents per customer per month. About a year ago it had rejected a service charge of $1 per month, and then stated that a proper allocation would not exceed 50 cents per month. Since no new facts were brought out to change the view then expressed, the department ordered the new schedule to be permanently cancelled.

This is a significant decision in view of the extensive efforts on the part of gas companies throughout the country to put into effect rate schedules which, in one form or another, involve a service charge of about a dollar per month per consumer. This campaign is apparently fostered by the American Gas Association. At the present time such service charge cases, affecting consumers in the city of New York, St. Louis, Buffalo, Cleveland, the entire district served by the Public Service Corporation of New Jersey, and many other communities, are pending in the courts.

We have called attention several times to the subject of service charges. There is no doubt that there is justification for a moderate service charge to cover such out-of-pocket consumer costs as meter reading, billing, bookkeeping, which are regularly incurred by a company, whether or not a customer takes any gas for a particular month. The task in all service charge cases is to determine the proper amount for such customer outlays. This involves the apportionment or allocation of costs, and requires the consideration of fundamental accounting and operating facts.

Unfortunately fundamental cost analyses have seldom been made in the interest of the smaller consumers. Because of the widespread effort to impose service charges, we have tried to bring together the available facts from the various commissioners relating to service charge policies. We expect to analyze the materials collected, and to show to what extent the service charge has been approved, and upon what basis. We hope to make the materials available in the near future.

✦

Power Development After Election.—Now that election is past, it is important for all those interested in proper development of the nation's power resources to consider the results, and to reshape their ideas sufficiently in line with the present political situation, but to keep to the fixed purpose of obtaining the development as rapidly as possible, with the maximum advantage for the public at large. Unfortunately, popular interest during the campaign was centered in other matters, and was directed only casually upon the problem of power development and control. This problem, however, cannot be disregarded for four years, and must be worked out substantially during the next administration. What are the controlling facts, and what alternatives are available to conserve the public interest?

Our impression is that during the campaign, and before, the discussion has rested too much upon doctrinal grounds. On the one hand, there has been a rather fixed assumption that the public interest cannot be served except through public development and operation. On the other side, there has been a rigid theory that public development, construction or operation must perforce be inefficient and damned as socialistic. Both views are preconceptions which do not square with the facts. While there is much to be said in favor of complete public development and operation, especially in the case of major projects, public advantage can be served effectively through private development and operation, if contracts or leases are properly drawn up to that end. Some projects might be developed under the one policy, and some under the other. There may be a combination of the two methods; various adaptations are possible. In no case does the general policy itself have much significance. The importance is in the detailed provisions of a plan.

Our purpose is not to present a comprehensive discussion of the problem, but merely to point out the more important factors that must be kept in mind in working out a practical program for any particular development. The first consideration is the difference in interest cost between private and public financing. The capital outlay will be large, especially for the more important projects, so that the interest cost will be the dominant element in the rates which must finally be paid by consumers. In the operation of a hydro-electric plant, the ordinary labor and material costs bulk relatively much less than in a corresponding steam plant. The fixed interest charges thus constitute a much higher percentage of the total costs included in rates. Whatever else, therefore, may be accepted in any practical plan, provision should be made, it seems, for public financing, because of the lower interest rate. Public financing in any project would probably not require more than four per cent or four and one half per cent upon the actual capital. Private financing would probably require between six per cent and seven per cent, and would thus impose upon consumers a permanent burden about fifty per cent greater than under public financing. There is no reason why this marked advantage should not be utilized, especially in view of the huge capital sums that will be necessary for extensive hydro-electric construction.

Apart from financing, the actual construction might very well be carried on by private enterprise, perhaps through competitive contracts. There is no fundamental reason why public construction should be insisted upon as a matter of principle. The same applies to operation. If the advantage of low interest rates through public financing has once been obtained, then there is no controlling reason for insisting upon public operation, provided that the public will be assured the benefit of the low level of fixed charges. Apart from low interest rates, there is certainly no ground for assuming much greater public economy in the use of labor and materials than in private operation. Nor is there clear reason for assuming greater private economy, provided that public operation is not damned, to start with, by sheer political domination or by management interested in proving the inefficiency of public operation.

After any given plant has been constructed, adequate regard for the public interest requires much more than the mere establishment of either public or private operation. The important question is: what happens after the electricity leaves the plant? Are the low costs of operation subsequently conserved for the benefit of the consumers, so as to make available a wider general utilization, or will the advantages of low cost be dissipated and wasted so far as the general public is concerned? The answer does not depend upon private or public operation. It depends more specifically upon matters beyond the plant,—upon transmission and distributions systems, and, particularly, upon methods of rate-making. Even under full public ownership and operation of any plant, contracts will be necessary for transmission and distribution, and these contracts must contain such specific terms so that the benefits of low cost will actually reach the ordinary consumers. Here is the task for which clear understanding will be required under either or any system of plant operation.

The chief difficulty will be the rate-making policies of the different states. After the current leaves the plant, the actual rate-making—unless very specific provisions are made by contract—will be left to the local commissions to be determined in the state where the electricity is delivered. There may be the problem of interstate traffic; how to treat current generated in one state, transmitted by a private company to another state, and delivered to consumers by still another company? There will be especially the gross inadequacy of present standards of rate-making that prevail throughout the country. What profits the consumer in the low cost of public financing, or in any other established advantage of a hydro-electric development, if finally rates are based not upon actual costs but upon hypothetical considerations,—especially if they must bring a "fair return" on the "fair value" of the property used in service?

Here is the stumbling block which is likely to prevent for a considerable period the general realization of the benefit of low costs from any public water-power developments. If it is left, there is little public gain in any advantage derived from public development and operation. If it is cleared away, public profit may be readily obtained under private construction and operation. We wish to call attention to the importance of this *clearing-away* job,—that it will not be disregarded in the course of doctrinal disputes.

GOVERNMENTAL RESEARCH ASSOCIATION NOTES

EDITED BY RUSSELL FORBES

Secretary

Recent Reports of Research Agencies.—The following reports have been received at the central library of the Association since November 1, 1928:

Boston Finance Commission:
- *Letter to the mayor regarding large amount of unused land owned by the city.*

Buffalo Municipal Research Bureau, Inc.:
- *A Capital Expenditure Program.*

Taxpayers' Research League of Delaware:
- *Report on the Audit and Analysis of the Accounts of the Town of Milford for the Year 1927.*

Detroit Bureau of Governmental Research, Inc.:
- *The Cost of Government, Wayne County, Michigan, 1928–1929.*

Civic Department, Chamber of Commerce of Kansas City, Mo.:
- *Fire Insurance Rates and Fire Losses.*

Bureau of Budget and Efficiency of the City of Los Angeles:
- *Airports.*

Bureau of Municipal Research, St. Louis, Mo.:
- *Progress Under the 1923 Bond Issue to November 1, 1928.*

Toledo Commission of Publicity and Efficiency:
- *Toledo Port Survey of 1928.*

✱

Buffalo Municipal Research Bureau, Inc.—During the past two months, the Bureau has been concentrating upon three research projects: the writing of the report on the division of water survey; a survey of the Buffalo City Hospital; and a capital expenditure program. Dr. Carl E. McCombs of the National Institute of Public Administration and Raymond P. Van Zandt of the Rochester Bureau of Municipal Research made the City Hospital survey during November and the early part of December. This survey was made at the joint request of the finance committee of the council and the board of managers of the hospital.

✱

California Taxpayers' Association.—The proposed bill for the establishment of a county and city district plan of school administration in California, sponsored by the educational commission of California Taxpayers' Association, has been drafted and is ready for presentation to the session of the legislature which will convene in January.

Briefly stated, the proposed law provides that, in a given county, all school districts, having less than 1,500 pupils in average daily attendance, shall be organized into one district to be known as the county district. One board of education, composed of five members elected by the people, will administer this district. This board will select a superintendent of schools. Some one hundred of the larger districts are not affected, except that their limits are extended to the high school district. Districts having 1,500 or more in average daily attendance shall continue under their present organization or shall have merged with them the smaller districts of any given county.

The research department of the Association has been working in conjunction with the governor and his staff in consideration of the state budget for the next biennium. The Association has furnished the state with considerable fiscal information on its state institutions—educational, penal, and curative.

✱

Citizens' Research Institute of Canada.—Following the convention of the Canadian Tax Conference and the Canadian Civil Service Research Conference, held in Windsor, Ontario, during October, the *Proceedings* of the convention have been edited and published. Some of the subjects covered are: "Changes in Canadian Business Taxation 1927–28," "The Causes and Control of Municipal Tax Arrears," "Motor Vehicle Taxation," "Problem of Tax Control in Suburban Municipalities," "Provincial Control in Quebec of Municipal Administration," "Control of Taxation for the Support of Schools," "Fiscal Aspects of the St. Lawrence Deep Waterway Problem," and "What You Pay Your Federal Employees." Each of these subjects was dealt with by men thoroughly conversant with them and a great deal of useful and practical information was presented.

The cost of government in seventeen leading Canadian cities has been analyzed and the resultant material published in a November report.

The director, Horace L. Brittain, is at present engaged in a survey of the Galt, Ontario, General Hospital.

⁂

Des Moines Bureau of Municipal Research.—Analysis of the comparative assessed valuations for 1927 and 1928 of the entire state of Iowa, made by the Des Moines Bureau of Municipal Research, shows that while total tax levies for all purposes have increased sixty-seven per cent, tax values have only increased four-tenths per cent in the last twelve years.

Significant shiftings in taxable values have taken place. Personalty has dropped thirty-four per cent and realty has increased six per cent. The personalty decrease partly resulted from a falling off in live stock values. While local subdivisions have lost in taxable horses and horse-drawn vehicles, the state has gained in this transportation item, as it alone derives taxes from motor vehicles which are not subject to local taxation. While taxable farm land values have fallen about three per cent, city and town realty values have been boosted thirty-nine per cent since 1917.

A report by the Bureau on soldiers' exemptions shows that, in the entire state, these have increased fifty-two per cent, or from $32,000,000 in 1917 to $49,000,000 at present. Soldiers' exemptions now amount to about one and four tenths per cent of the assessed value of the entire state, and are increasing rapidly.

⁂

National Institute of Public Administration.—William Watson has been assigned by the National Institute of Public Administration to accompany Professor E. W. Kemmerer of Princeton on his mission to organize the finances of the Chinese Nationalist Government. Mr. Watson will be assistant expert in accounting and fiscal control.

⁂

The Ohio Institute.—The Institute has just published a report dealing with county welfare administration in Ohio. The report describes the existing welfare organization and activities of counties and summarizes the present situation as to personnel and methods. Particular emphasis is given to non-institutional relief activities. In the course of the study, about one-quarter of the counties of the state were visited. The report recommends the ultimate creation of county welfare departments, and as an immediate measure the establishment of county welfare superintendents to handle those welfare services primarily involving family case work.

⁂

The Philadelphia Bureau of Municipal Research.—The Bureau is coöperating with other civic organizations in Philadelphia in the preparation of amendments to the city charter which would provide Philadelphia with a manager form of government and a council elected by proportional representation. The charter as amended will be introduced at the session of the state legislature, which convenes in January, and will have the support of numerous groups in the city.

The Bureau is also drafting amendments to the acts governing the assessment and registration of voters in Philadelphia and a voting machine enabling act for introduction at the coming legislative session.

⁂

San Francisco Bureau of Governmental Research.—Since the Bureau last reported in the NATIONAL MUNICIPAL REVIEW on its activities, the report made by the Bureau for the San Francisco Chamber of Commerce on the San Francisco-San Mateo Survey has been completed and published in a 196-page volume. The report represents fifteen-months' work, about five months being taken up with field work in San Mateo County. The report has received considerable newspaper publicity and much favorable comment on the completeness of the work. As the result of several public meetings, a citizens' committee of representatives of both counties has been named, with power to enlarge itself, for the purpose of studying the report and taking such action as is deemed appropriate. One of the first acts was to name a sub-committee to study the legal phases involved in the recommendations of the report that the state constitution be amended to facilitate the consolidation of the two counties.

The Bureau has completed its work of assisting the civil service commission in classifying the duties of city employees as the first step toward bringing about salary standardization. The task of providing for salary standardization in San Francisco is now in the semi-final stage. If the steps proposed to be taken meet the approval of the board of supervisors, it is possible that standardization will be made effective in the 1929–30 budget.

Practically two months' time of the Bureau's staff was taken up, prior to the November election, in analyzing and preparing recommendations for the public on sixty-one ballot propositions. The voters concurred in the Bureau's recommendations on twenty-three out of thirty-two charter amendments, two out of eight bond issue proposals, and ten out of fifteen state measures. In the drafting of charter amendments, the Bureau took part in the final revision of the public utilities commission amendment and was instrumental in obtaining changes which the Bureau believes materially strengthened its provisions. Amendments providing for a city planning commission and a purchasers' revolving fund were presented largely as the result of Bureau studies.

A city manager for San Francisco was proposed by the Bureau to the judiciary committee of the board of supervisors at hearings on a new city charter and at numerous public meetings where a new charter was discussed.

Work in progress by the Bureau includes a street reconstruction survey, improvement of procedure in preparing personal property assessment rolls, and a survey of garbage collection methods, a final report on which is being prepared.

◆

Schenectady Bureau of Municipal Research, Inc.—Some time ago the Bureau received a letter from the League of Women Voters suggesting that a survey of the administration of charities in the city and county of Schenectady be made, especially with reference to child welfare. The staff is now engaged in surveying the situation with the object of preparing a preliminary report for the consideration of the board of directors. Future action will be determined from the deductions which may be drawn from this preliminary investigation.

A brief résumé of the activities of the Bureau staff since the establishment of offices last March is being prepared for distribution to the membership and also as a matter of general public information. It is hoped in this way to stimulate public interest in the Bureau and to solicit continuation of its support through increasing membership.

◆

Municipal Research Commission, Syracuse University.—*Ten-Year Financial Program.*—About a year ago the mayor of Syracuse especially requested the Committee to prepare a long-term financial program. Estimates for capital projects were secured from department heads. Current operation and maintenance needs were estimated for each year and revenues other than taxes were deducted to give the tax levy. The report submitted to the mayor outlines a method of financing the projects recommended by city officials and shows what the probable effect would be on the tax burden.

1928 Syracuse Report.—At present the staff is coöperating with city officials in the preparation of an annual report. This work is being done at the request of the mayor, who believes "the citizens as stockholders in the municipal corporation are entitled to a report of how their money was expended and what the city proposes to do in the future."

Assessment Procedure.—Sixteen standards considered as essential to an efficient municipal assessment system were applied to the Syracuse system. The state equalization rate for Syracuse has decreased from eighty per cent of full value in 1917 to sixty per cent in 1928, in spite of the steady growth of the city. There is also a pronounced lack of uniformity in assessment. In the report submitted to the mayor, it was recommended that the board of assessors be replaced with a single tax commissioner appointed by the mayor. Suggestions for changes in assessment procedure were also made.

Selection of Patrolmen.—At the request of the chief examiner of the civil service commission, a study was made of the method of selecting patrolmen. It was found that forty-nine per cent of the 663 candidates applying for examination since 1920 had failed to pass the medical examination, while only two per cent failed in the written tests. It was suggested that those passing the medical test be given an intelligence test and certain aptitude tests, and that a common school education be set up as a minimum requirement for entrance. The Committee also recommended that the civil service commission employ a trained man to do character investigation work which is now handled by the police department. The chief examiner has indicated that some of the Committee's recommendations will be adopted. The Committee will coöperate further with the chief examiner in determining the success in police work of those who were selected through certain examination and to calculate the correlations between such success and the scores for the individual tests and for the tests as a whole.

Studies to be undertaken early in 1929 include budget-making procedure and purchasing. These surveys and others will be made by graduate students in public administration in the School of Citizenship and Public Affairs.

◆

Toledo Commission of Publicity and Efficiency.—The secretary of the Commission of Publicity and Efficiency, J. O. Garber, has resigned, effective January 1, 1929, to accept a position as secretary of the newly-created department of civic affairs of the Toledo Chamber of Commerce.

The Commission during November published a résumé of Cincinnati's coöperative bonding program and recommended that Toledo adopt it to help reduce and stabilize the tax rate. The *City Journal* also published an analysis of the 1929 tax rate, showing that the city gets a decrease of $71,000, and the county an increase of $549,000, in the total levy for 1929. The Commission again published a detailed model budget for 1929, thus continuing its work of last year, when, for the first time, a real budget in conformity to charter requirements was obtained.

Toronto Bureau of Municipal Research.—A study has been made of the airport situation in the larger cities of America with a view to obtaining facts as to the advisability of establishing a municipal airport in Toronto. A summary of these facts was published in a report in October.

Information was collected from Great Britain, the United States, France, Belgium, Italy, and Germany regarding motor accidents and fatalities, number of motor vehicles, and various related subjects. Some of this material, along with similar information for Canada, was published in a report in November. A summary of suggestions which might result in a diminution of the large and increasing number of motor accident fatalities was listed, emphasis being placed upon the present level of the crossing menace in Canada.

A study is being made of the various questions coming before the municipal electors on January 1. One of these is a proposal to change the date of election to some time previous to the holiday season with a view to increasing the number of voters who will exercise their franchise. A report covering such subjects will be issued shortly.

MUNICIPAL ACTIVITIES ABROAD

EDITED BY W. E. MOSHER

Director, School of Citizenship and Public Affairs, Syracuse University

International Congress of Local Authorities.—The fourth International Congress of Municipalities and Local Authorities is to be held at Seville and Barcelona on March 19–27, 1929, under the auspices of the Union of Spanish Municipalities and the International Union of Cities and Local Authorities. The latter Union represents thirty different countries, which are affiliated either directly or through their national unions and represent populations which aggregate approximately 190,000,000. The program covers reports on local finances, the organization of public undertakings of an industrial character, expropriation of public interests, and the activities of the International Union of Cities.

✤

State-wide Organization of State Aid.—In view of the rapid increase of accidents in this machine age, the Prussian Bureau of Public Welfare has outlined a plan for supplying aid to the victims of accidents on a state-wide basis. It is the ambitious purpose of the ministry to cover the whole of the state of Prussia, including the cities, with a well-coördinated network of places where those suffering from accidents may receive prompt and satisfactory treatment.

This plan calls for the coöperation, not alone of official hospitals and private clinics of every sort, but also public buildings and semi-private agencies both in the city and in the country, and even the private houses of those who may be stimulated to coöperate in the undertaking. So far as possible, all existing available means will be employed in rounding out the system. This includes training suitable persons to give first aid and to enlist quickly the coöperation of professionally trained physicians and surgeons should this be necessary.

Considerable attention has been given to the plan for public announcement of places where aid can be secured. A handbook listing such places, the use of lanterns and signs, and various other means of advertisement are projected. Even telephone operators are to be given necessary directions so that they may give the requisite information immediately.

In the matter of transport, it is proposed that, in the absence of regular ambulances, vehicles in the possession of local government authorities shall be so fitted out that they may be used in case of need as ambulances or for the purpose of drawing inexpensive trailers that could be used for this purpose.

The coöperation of policemen, firemen, railroad officials, nurses, and physicians is to be enlisted. The latter, for instance, are to be stimulated to give training courses and possibly examinations for those who wish to equip themselves for giving assistance in case of accidents.

Furthermore, it is expected that committees will be formed, not alone for the province, but also for the cities and other governmental units. Local governmental officials are expected to take the lead in the organization and guidance of such committees.—*Zeitschrift für Kommunalwirtschaft,* October 25, 1928.

✤

Administrative Maps.—An enterprising firm of geographers in England is bringing out a series of large-scale, administrative county maps prepared either in sheet form or folded in paper covers to fit the pocket. The price is as low as one shilling. These maps are published separately for each county and distinguish in various colors the different factors of local authority such as the county, borough, the non-county borough, and the urban and rural districts. The boundaries of parliamentary divisions and boroughs are also indicated by various colors. Roads, railways, canals, etc., are shown by means of standard topographic maps.

✤

The Annals of Collective Economy.—An international review, under the title of *Annals of Collective Economy,* is being published in English, French, German and Spanish, under the editorship of Professor Edgard Milhaud, of the faculty of the University of Geneva. The purpose of the *Annals* is to bring together in an authoritative way a report concerning the economic activities of various governmental bodies. The survey covers all the main countries with special attention devoted to those that are engaged in special pioneering work. The articles are contributed by prominent experts, such as local government administrators, technicians and scientists.

The object of the *Annals* is to make available the experience that is gradually accumulating concerning the success or failure of public enterprise. In this way it is a kind of clearing house for the exchange of ideas and reports from all over the world.

Since it was realized at the outset that neither national nor municipal public services could be handled ordinarily by means of the traditional type of government, special attention is directed toward experiments with regard to administrative machinery for such enterprises.

The program of those responsible for editing the *Annals* goes far beyond the customary form of public enterprises. It embraces, as the title of the periodical indicates, all matters of collective economy. These include unemployment, social control of credit, a broad policy of public works, social insurance, public control over available resources for the elimination of waste and idleness, the coöperative movement and the like. The *Annals* is published at 8 Rue Saint-Victor, Geneva, Switzerland.—*The Local Government News,* November, 1928.

✤

Diploma in Public Administration.—The correspondence institute of the National Association of Local Government Officials announces the establishment of courses which look toward the diploma in public administration awarded to extension students of the University of London. An elaborate course is outlined that will take at least two years to cover. It is being set up with the aid of a panel of University men of high standing who will also act as tutors for the students enrolling. The fee is about $100. The course provides for ten papers with a bibliography for each subject, advice of a tutor on readings and questions of difficulty, and his criticisms on the four essays required for each subject. This outline may be looked upon as a symptom of the interest in education for the career of public administration.—*The Local Government Service,* November, 1928.

✤

Public Washhouses.—The annual report of the washhouse committee of the city of Manchester indicates the popularity of the public washhouses conducted in that city. The city at the present time has sixteen washhouses which were used by 536,000 persons in the past year. The receipts amounted to nearly $100,000.

It is possible for one person to do the weekly washing for a family of five persons in about three hours and at a cost of nine pence.

Under this same committee public bathing establishments are provided. They were used by over two million bathers in the course of the past year and the receipts aggregated over $90,000,000. The committee uses every means to encourage school children to use the baths and to learn swimming. To those who pass a proficiency swimming test, a certificate is awarded and free admission is granted for one year.—*The Municipal Journal,* November 2, 1928.

✤

Garbage Handling.—An English director of public cleansing has set up a list of essentials for an ideal vehicle for handling garbage. They are as follows: dustless loading, low loading line, speedy emptying, minimum horse power, short wheel base, and easy handling. He discusses at some length the program of standard appliances for the purpose of bringing about dustless loading. He considers that one of the chief obstacles to realizing this is the necessity for substituting standardized pans or bins that would fit into the receiving container on the wagon.

The ideal loading line for a motor vehicle is four feet six inches. The writer suggests that it takes twice as long to load a two-wheel, horse-drawn cart with a loading line of six feet, as to load a motor vehicle of the sort proposed. In this connection, the English writer lays emphasis upon the fact that the distribution of the refuse is much easier when the loaders are able to shoot the contents of the bin at the precise spot they desire. In this way the labor of packing is largely avoided.—*The Municipal Journal,* November 16, 1928.

✤

Building for Sunshine.—Recent city planning and hygiene expositions have stimulated Karl Geissler of Munich to attempt to solve the housing problem by laying out a plot of ground to be used, for a block of two or three-room apartments, in such a way that sunshine will penetrate into every room which is used for dwelling purposes. A guiding factor in his plan was necessarily the most economical use of the space. Specifically the task he set for himself was to design a four or five-story block on a piece of ground containing 12,512 quadrameters so that each and every room used for living purposes would have the advantage of direct sunlight.

Three plans are discussed. In the first, the ground is laid out and the buildings are planned according to the established building code. Such construction is condemned because of the unsatisfactory condition as regards sunshine, small courts and the limited space between the various apartment buildings. Two schemes are then proposed in which the main purpose of the investigation is realized. In one scheme, fifty per cent of the building space is utilized; in the other somewhat more.

The basic principle of the plan is that the rooms which look toward the north shall be used for toilets, closets, etc., and that the building shall be on a north and south axis rather than an east and west; in other words, that the chief exposure shall be either toward the east or west. The buildings are separated by sufficient open space so that at 11 o'clock on March 1 the sun's rays will strike the windows of the lowest floor of each block of houses that face toward the east. The roofs have a pitch of thirty degrees.

The author of the article is aware of the fact that such utilization of ground area for the cheaper type dwellings runs counter to the standards that have been set by what he calls the "use-the-space-architects." He classifies his fellow craftsmen into two classes: first, those who are interested in getting the maximum amount of floor space with respect to the available land; and second, those who in their civic planning program are looking upon man as the measure of all things.

The article is profusely illustrated and contains a series of calculations with different variables that aim to show in detail the amount of available space included in the dwellings. In the opinion of the author, city planners must definitely have an eye to the importance of providing for all hygienic conditions favorable to human living, among which, of course, the value of sunshine is to be highly rated.—*Stadtebau*, No. 9, 1928.

*

German Monographs.—Dr. Erwin Stein, the general secretary of the Union for Communal Economy and Politics (Kommunalwirtschaft und Kommunalpolitik), is not alone the editor of the magazine called the *Zeitschrift für Kommunalwirtschaft*, but also of a series of special monographs that deal with selected German cities, counties, and districts. These monographs are prepared, for the most part, by local officials in public positions who are well qualified to write of the subjects. The editor has shown praiseworthy skill in bringing together a series of articles on a variety of topics concerning the given locality, so that one gets the impression of a completely unified treatment.

Each monograph presents a comprehensive statement of the development of the communal life of the unit that is being considered, of the population both as to number and character of social and hygienic conditions, public welfare and health, finance and taxation and characteristic industrial features. In short, a picture is drawn of all of the activities that directly or indirectly affect the jurisdiction under consideration. Special attention is devoted to outstanding institutions and developments that are particularly important for an understanding of the city, county, or district.

These monographs are attractively bound. The bookwork and type is of high order. They are profusely illustrated and run usually between three and four hundred pages, although the one entitled "The Problems of the New City, Berlin"[1] contains nearly six hundred pages. At least eight of these monographs appeared in 1927.

As to content there seems to be no set scheme for each of the volumes. For instance, in the monograph dealing with Nuremberg the main divisions are but four: culture; natural beauty including the subdivisions, the city, surroundings, and suburbs; industry and trade; and public administration. In the case of Ludwigshafen, there are eleven subdivisions in addition to the introduction. They are as follows: history; local finance and zoning; housing; public industrial enterprises; social welfare and public health; public safety; justice; money credit; transportation and industry; education and culture; music; the theater and organized religion.

LUDWIGSHAFEN

To indicate the treatment of the various topics listed, a brief summary will be given of certain sections taken from the monograph on Ludwigshafen. This is a thriving city of 101,000 population, situated on the Rhine.

Some ten pages are devoted to a discussion of the financial condition and policy of the city. The first item has to do with the capital investment of the municipal corporation. This covers such property as public works, buildings, streets, parks, cemeteries, etc. In this series one of the most striking features is the increase in the city property that may be used for building purposes. From 1915–1925 the value of such holdings increased by something over five million gold marks. Such property has been acquired according to the fixed policy of increasing the city's holdings both for parks and open spaces and to make possible the expansion of the municipal housing program.

---

[1] See review of this monograph on pp. 39-40 of this issue.

The second main item of discussion in this chapter is a consideration of the indebtedness of Ludwigshafen, with a description of the purposes for which the recent debt has been incurred.

In 1920 the city adopted a budget policy. The total amounts of the budgets for the years 1924–26 are given, but details concerning expenditures of the various departments are not offered. Certain outstanding outlays, however, are summarized in more detail. For instance, the expenditures are listed for the department of public welfare, for various divisions of the department of public works, and for the municipal enterprises such as gas, electricity, water, etc. Finally the percentage of the total expenditures which is chargeable to salaries and wages is given for four different periods including 1926.

The last section of the chapter is devoted to a consideration of the amounts of money raised by taxation, and the various sources are given from which taxes are derived. These data are for 1926–27. The most lucrative source is from income and corporation taxes. This constitutes thirty-six per cent of the total income from taxes for 1927.

Public Safety.—Only four or five pages are given over to a discussion of the police department of Ludwigshafen. The material was prepared by the police counsel of the city. The article is entirely concerned with the general policy of the police department, with special emphasis upon the importance of the educational function of the police. According to the writer, the policemen in modern law-abiding cities are not called upon primarily to discover and apprehend law breakers. Their chief duties have to do with protecting and aiding the citizens and helping them to avoid situations that might lead to violations of the law. The ideal policeman becomes a friendly guide and adviser. The article on police is entirely lacking in statistical data as to the number of crimes, the size of the force, etc.

The discussion of the fire department is also limited to a description of fire-fighting apparatus and the size of the fire-fighting force. One of the interesting features of the article is the statement concerning a combination of fire fighting and ambulance and first aid service. It appears that the public ambulances are attached to the fire department.

Health in the Schools.—Considerable space is devoted to a treatment of public health and welfare administration in Ludwigshafen. A most comprehensive organization has been set up of which the program for the care of health in the public schools may be taken as an example. As a whole this is more far-reaching than would be found in a city of similar size and character in the United States.

Two school physicians have been appointed for the fifteen thousand school children of the city. They are accustomed to make annual investigations of pupils in the first, fourth, and eighth years. In case of illness or physical defect a special investigation takes place as often as necessary. All newcomers are given a thorough examination of both mental and physical health. An envelope containing the results of these investigations is prepared for each child and is passed on from teacher to teacher as the child continues on his way through the schools. Through a card system, a record is kept of all of the investigations and of special conferences, as well as any measures that may have been taken because of weakness, illness, or defect. Both teachers and parents are kept in touch with any serious developments.

Much weight is attached to the stamping out and control of infectious diseases. For this reason the physician is kept continually informed, both through the police department and the administrative agencies of the schools, with regard to the status of any infection that may have gotten under way.

Orthopedic exercises are prescribed for children under the supervision of properly prepared instructors. Both Roentgen ray and ultra-violet ray apparatuses have been installed, the latter having been found most useful in connection with undernourished children of which there have been all too many in the post-war years.

Recreation centers have been provided so that eighty-eight children may be cared for in stretches of four or five weeks. Teachers are provided for the purpose of utilizing what would otherwise be lost time. The number of children in need of such recreational facilities is so great, however, that it is impossible fully to meet the demand. Steps are under way for the provision of an open air school in view of the considerable number of children suffering from lung infections. Similar welfare work is being carried on by the city for all classes of persons who are in need.

The reader may gain, from the above summary of several individual articles, an impression of the type of material that is brought together in these monographs. It will appear that no effort has been made to present an exhaustive statistical report concerning one department after another. The effort has rather been to summarize, in a simple and rather popular way, the activities that contribute in one direction or another to the administration and well-being of the city.

These monographs prove an invaluable source of information for those who wish to get a bird's-eye view of the municipal life in its various aspects in the leading German cities, as well as some of the counties, districts, and sections of the country. They will also be found useful by the students of public administration and economic life. As is well known, the Germans are unusually progressive in the expansion of the area of municipal activity and also in the adoption of scientific methods of carrying on municipal functions.

If the plan for preparing monographs goes on at the same rate as in 1927, it may be predicted that within a relatively few years the important parts of the whole German republic will be treated in this authoritative way. This will enable interested readers to gain rather intimate and concrete information concerning the way the German people up and down the country are conducting their municipal and public life.

NOTES AND EVENTS

EDITED BY WELLES A. GRAY

Assistant Director, Municipal Administration Service

Charter and Bond Issue Referenda in San Francisco.—San Francisco electors faced the formidable task of voting on sixty-one referendum propositions at the November election, in addition to the usual number of presidential, congressional, and judicial candidates. Only ten of thirty-two city charter amendments, two of eight bond issues, and twelve of twenty-one state measures received a favorable majority in the city. Several good as well as bad measures were snowed under in the avalanche of "no" votes, which was the voters' method of cutting the Gordian knot presented to them.

Of the charter changes which carried, the most important was an amendment creating a city planning commission. In the past, the city has had a city planning commission functioning by ordinance with advisory powers only. Its usefulness has been practically nil, because of the board of supervisors' practice of hearing and deciding city planning matters independently of the commission. The amendment is a modification of the standard city planning act prepared by the U. S. Department of Commerce. In matters of zoning, the San Francisco amendment follows this model closely. It also provides for a master city plan to be prepared and maintained by the commission. The chief departure from the model is that the commission shares advisory powers in matters of city planning with other municipal commissions and boards, a conditions which probably cannot be improved until the adoption of a new city charter, which would do away with many of the city's independent administrative boards and commissions.

Another amendment will create a revolving fund for the purchaser of supplies to enable his office to take advantage of market discounts. Under present charter procedure it is practically impossible to have a demand paid by the city in less than twenty-eight days.

Only one charter amendment definitely increasing the cost of government met with approval. It provides for a minimum library tax of 3¾ cents, instead of a maximum of the same amount. As San Francisco's library department has suffered in comparison with other large cities because of restrictive appropriations, the act of removing the tax limit cannot be construed as extravagance. Other amendments adopted were routine charter changes and involved new policies.

Among the defeated amendments were proposals for the establishment of a public utilities commission; for the issuance of "revenue bonds" secured solely by revenues of a utility; resettlement franchises for the privately-owned street railways of the city; six amendments to the firemen's and policemen's pension provisions; increase in salaries for the supervisors, the city attorney, police judges, and police matrons; and an increase in the mayor's contingent fund from $3,600 to $15,000.

Probably the most serious set-back was the failure of the public utilities commission amendment. It was endorsed by all but one of the daily newspapers and by nearly every civic organization; but it was opposed by various labor groups. The amendment was considered to be an excellent draft, with proper provisions for a businesslike administration of the city's utilities, proper safeguards, and sufficient authority. The city voted last May to purchase its water-distributing system, and the date for taking over control had been delayed to give the citizens an opportunity to vote for a public utilities commission to operate it. The commission would also have operated the municipal railway utility which has been handicapped by decentralization and by political control of its affairs.

The amendment to grant resettlement franchises to the privately-owned street railways, placed on the ballot by the initiative, received the greatest amount of newspaper publicity and public discussion. The arguments for and against the proposition centered around municipal ownership and the five-cent fare, two issues which were really not involved. The measure was supported by the chamber of commerce and many of the leading civic organizations. It was opposed by four of the five daily papers, and by all city officials concerned with utility matters.

The measure was advanced to meet the situation which will develop in the fall of 1929 when the most important franchises of the street railway companies expire. The measure, while providing for the continuance of operation under a revocable permit and for the purchase of the lines of any private company as a whole by the city whenever it may so decide, was attacked on the grounds that it would wipe out existing city tactical advantages, would put the city at a disadvantage in future purchase proceedings, would add to the cost of acquisition, would jeopardize the five-cent fare, and would give valuable rights to the street railway companies without any remuneration to the city.

The proposed revenue bond measure was linked with the public utilities commission amendment. It attracted considerable opposition and failed to receive general support by newspapers and civic organizations.

Two bond issues, $3,500,000 for hospitals and health department services, and $2,200,000 for main sewers, received the necessary two-thirds majority. Both represent "catch up" programs necessitated by failure to provide for needed services in annual budget appropriations.

An analysis of the election shows that the electorate displayed unusual discrimination in passing measures of actual merit and in defeating practically all unwise and costly propositions. It is not possible, however, to explain why a number of propositions, every whit as important as those which did carry, failed to pass, except the obvious reason that 61 propositions were entirely too many for any voter to pass upon properly.

W. H. Nanry.

San Francisco Bureau of Governmental Research.

*

Minnesota League Saves State $566,000 in Fire Insurance Rates.—Through the efforts of the League of Minnesota Municipalities, a proposed increase in fire insurance rates in Minnesota, amounting in the aggregate to about $415,000, was ordered abandoned by the state insurance commissioner, G. W. Wells, Jr., and a reduction of approximately $151,000 was ordered in its stead. The increase was announced on June 18, 1928, to take effect the same day. A state-wide protest followed. For the most part these protests were led by well informed city officials, and the desirability of presenting a united front being evident, these officials turned to the League of Minnesota Municipalities as an agency through which they could carry on joint action. A meeting of the representatives of the various cities and interested civic organizations was held at the headquarters of the League on August 17, and it was agreed ultimately to present a single brief to the state fire insurance commissioner in the name of the interested cities and villages.

The decision of the commissioner was rendered on October 10. For rate purposes it divides the cities of the state into three groups according to their population. In the first and second groups the rates on dwellings with unapproved roofs are to be the same as before the increase; but those on dwellings with approved roofs are to be decreased two cents per hundred dollars. In addition, for the second group, which consists of cities and counties where there is a forest fire hazard, specific forest-exposure charges are to be eliminated. In the third group the rates on frame dwellings with unapproved roofs are reduced two cents per hundred dollars, and on dwellings with approved roofs, four cents per hundred. This reduction amounts to approximately $151,000. Thus by its prompt action, the Minnesota League saved fire insurance policy-holders of that state this reduction plus the proposed increase of $415,000—a total of $566,000.

*

City Manager Charters Retained in November Election.—In the December Review we reported the results of campaigns for city manager government in six cities. In two manager cities—Kenosha, Wisconsin, and Norfolk, Virginia—a referendum was taken in November to determine whether or not the plan would be continued. In both cities the city manager plan was retained.

In Kenosha it was retained by a plurality of 1,276 votes, with more than 17,000 ballots cast. The movement which brought about this referendum was the result of a strike in the Allen-A knitting mills in that city. The city manager, in preserving order during the strike, incurred the displeasure of the strikers and their leaders, who led a movement to abolish the city manager plan.

In Norfolk it was not proposed to abolish the plan completely, but a charter amendment was proposed which would have struck at the heart of the plan as it was then effectively operating. The members of the council, under the charter, are nominated and elected on non-partisan ballots. The amendment would have substituted for this method nomination by party primaries or party conventions. According to an editorial in the *Virginian-Pilot* of Norfolk, the object of this plan was to bring the council under the exclusive control of one party, and then to extend this partisan control over the city manager and all officials under his jurisdiction. Such a scheme would have made the plan operate in a fashion similar to the way it is now being carried on along strictly party lines in Kansas City, Missouri. The proposed amendment was snowed under, with 4,274 votes for, to 10,591 against it.

◆

St. Paul Adopts New Civic Program.—At the election on November 6, the voters of St. Paul, Minnesota, approved a bond issue of $7,577,000 by a vote of approximately 73,000 for to 23,000 against. These bonds are to finance a five-year public improvement program for the city. In the autumn of 1927, the voters of that city rejected a number of bond issues on the plea that while each of these issues was meritorious by itself, all together they constituted a hodgepodge of public improvements with no real improvement program.

Following the defeat of this bond issue, the various civic groups of that city organized a United Improvement Council composed of representatives of twenty-five organizations, including city commissioners and the mayor. This group made an extensive investigation of the needs of the city and submitted to the city council, in August, 1928, recommendations for a five-year public improvement program. This program included the bond issue just voted, and recommended that Ramsey County also issue $7,500,000 in bonds.

The improvement program for the city includes sewer extensions, improvement of library facilities, construction of new schools, the purchase of additional land, and construction of buildings for the St. Paul airport, a barge terminal on the Mississippi River, the enlargement of the municipal auditorium, the construction of a new court house and city hall, and $875,000 for parks, parkways, and playgrounds. It is recommended that an extensive highway program also be undertaken, largely, however, by the county. The city's share in this project is to be confined to the repaving of streets which form part of the state trunk highway system.

For the complete program to be carried into effect it will, therefore, be necessary for Ramsey County to issue its share of the bonds. This can only be undertaken upon the express authority of the state legislature, and it is the hope and expectation of the St. Paul voters that the legislature will authorize this bond issue at its 1929 session. The general understanding is that the success of the city bond issues at the polls is a mandate to the state legislature to authorize the issuance of the county bonds.

◆

The Chicago Clean-up Continues.—In the December issue we noted the progress which had been made by Frank Loesch and his assistants in their investigation of corrupt politics in Chicago. News of the conviction of fifteen henchmen of Morris Eller for conspiracy should prove heartening to every advocate of clean politics. At the head of the list of the convicted is State Senator James B. Leonardo, a leader of the Thompson-Eller "America First" crowd. Harry Hochstein, Eller's chief leader in his organization in the "bloody Twentieth," is also on the list. These two were fined $750 and $1,000 respectively, and others were fined amounts ranging up to $1,250. A sixteenth member of this faction, Joseph Annerino, a political worker, was also indicted, but was acquitted on trial. Annerino still has twelve other indictments outstanding against him. Three other members of the group, Sam Kaplan, Harry Hochstein, and John Armondo, are still under indictment for the murder of Granady, and the other defendants are under indictments for kidnapping, assault with intent to kill, and assault with deadly weapons.

It has been announced that Judge John A. Swanson, state's attorney-elect, will coöperate fully with the Loesch investigators and every possible means will be used to make this political house-cleaning a real one. The coöperation of Police Commissioner William T. Russell, his deputy, John Stege, and John E. Traeger, new sheriff of Cook County, has also been promised. The sixth special grand jury, called to assist the Loesch investigators, recommended, in a report issued on November 30, the creation of a metropolitan police department with jurisdiction throughout Cook County. It is proposed to place the police force in charge of a commissioner who is to be appointed for a definite tenure of office without regard to political changes in the city government. It is proposed to increase the number of patrolmen and to make their promotions and appointments free from political influence. To further this result, it is also recommended that the civil service commission be increased from three to five members.

Chicagoans were promised by Mr. Loesch and Judge Swanson that the clean-up would be well under way by Christmas time, and that a better, cleaner city would be the Christmas present to Chicago at large. Close on the heels of this promise came the news of more bombings and the shooting of another beer-runner. The clean-up will continue.

⁂

Political Science Association Meets.—The annual meeting of the American Political Science Association was held December 27, 28, and 29 at Chicago. The Association was in session, as usual, along with other organizations which are members of the social science group of learned societies. The morning sessions of all three days were devoted to meetings of seven round tables on the following subjects: problems of personnel administration, administrative law, the administration of foreign offices, comparative party politics, the teaching of government, political corruption, and municipal government.

Among the papers and addresses given at this meeting were the following: "The Constitutional Crisis in Jugoslavia," by Charles A. Beard; "What Price Prosperity?" by Carl Snyder of the New York Federal Reserve Bank; "Political Incidents of Standardization in Industry," by P. G. Agnew, secretary, American Standards Association; "The Guidance of Production in a Socialistic State," by Fred M. Taylor, University of Michigan; "Crime in the Modern City," by Frank J. Loesch, chairman of the Chicago Crime Commission; and "Political Science in a Technical Civilization," by Glenn Frank.

The afternoon of the 28th was devoted to a special session on local government, and a joint luncheon was held at noon on the 29th with the American Association of Law Schools.

⁂

New York Adopts Stagger Plan of Traffic Lights.—The system of staggered or progressively operating traffic lights, widely used in cities in the West, is being given a thorough tryout in New York City under a new system of lights installed on Riverside Drive between 79th and 120th Streets. The lights will show alternately red and green and will function on a progressive schedule so that a series of waves of traffic will pass along the Drive. Vehicles moving at approximately twenty miles an hour can thus travel along this part of the Drive without being stopped by the lights. This system has been in use previously in Brooklyn, but this is its first tryout on Manhattan Island. The circuits controlling the lights are so designed that the lights may be operated either progressively, or synchronized as is now done with the lights on other streets on Manhattan.

⁂

John MacVicar Dead.—Friends and political opponents united in paying tribute to the memory of John MacVicar, mayor of Des Moines, and secretary of the League of American Municipalities, 1900–1908, who died November 15, 1928.

Mayor MacVicar was well known among municipal administrators in the Middle West. He had served as councilman and mayor of Des Moines for a longer period than any other man in the city. He was also one of the foremost proponents of the Des Moines plan of commission government.

Mayor MacVicar was born in Guelph, Ontario, in 1859, and came to Des Moines in 1872. He began his political career as city recorder and, later, mayor of North Des Moines. After the amalgamation of that city with Des Moines, he served as mayor of the greater city for two terms. Following the inauguration of the Des Moines Plan in 1908, he was commissioner of streets for two years. Then, for several years, he toured the country in the interest of the commission plan of city government. In 1916 he was again elected mayor of Des Moines. When war broke out in 1917, although 59 years old at the time, he enrolled in an officers' training camp and was commissioned a captain in the U. S. Army. In 1922 he was again elected councilman, and served as superintendent of public safety. He was defeated in 1924, and again in 1926, for this office. He was elected mayor, however, in 1928, and served in this capacity until his death.

C. A. Crosser.

Des Moines Bureau of Municipal Research.

NATIONAL MUNICIPAL REVIEW

PUBLISHED MONTHLY BY THE

National Municipal League

VOL. XVIII, NO. 2 FEBRUARY, 1929 TOTAL NO. 152

CONTENTS

EDITORIAL COMMENT . . . . *H. W. Dodds* 63

WHAT P. R. HAS DONE FOR CINCINNATI . . . . *Henry Bentley* 65

OUR AMERICAN MAYORS:
XV. MURRAY SEASONGOOD OF CINCINNATI . . . . . . *Russell Wilson* . . . 68

PUBLIC OPERATION VERSUS STATE REGULATION: TWO HYDRO-ELECTRIC SYSTEMS COMPARED . . . . *James Malcolm* . . 75

BALANCING PREVENTION WITH FIGHTING WITHIN THE FIRE DEPARTMENT . . . . *Harold A. Stone* . . 82

THE ASSESSMENT OF REAL ESTATE AND BUILDINGS IN ROCHESTER, N. Y. . . . . *Hazen C. Pratt* . . . 87

A REJOINDER ON THE RELATION OF BUILDING HEIGHT TO STREET TRAFFIC . . . . *Ernest P. Goodrich* 94

THE BOARD OF ESTIMATE AND APPORTIONMENT OF NEW YORK CITY — A SUPPLEMENT . . . . *Joseph McGoldrick* 125

DEPARTMENTS

I. Recent Books Reviewed 97

II. Judicial Decisions . . . . *Edited by C. W. Tooke* 101

III. Public Utilities . . . . *Edited by John Bauer* 104

IV. Municipal Activities Abroad . . . . *Edited by W. E. Mosher* 108

V. Governmental Research Association Notes . . . . *Edited by Russell Forbes* 112

VI. American Municipal Association Notes . . . . *Edited by John G. Stutz* 116

VII. Notes and Events . . . . *Edited by H. W. Dodds* 122

GRIFFENHAGEN & ASSOCIATES, LTD.
BUREAU OF PUBLIC SERVICE

Consultants and active assistants on the administrative and financial problems of public bodies in programs of review, audit, and constructive improvement; seventeen years of experience in the service of officials, legislators, and citizen organizations

HEADQUARTERS OFFICES 155 EAST SUPERIOR STREET, CHICAGO
EASTERN OFFICES MILLS BUILDING, WASHINGTON, D. C.

THE LEAGUE'S BUSINESS

Joint Committee on Municipal Reporting Organized.—The League has taken the initiative in organizing and sponsoring a joint committee on municipal reporting, which represents the League, the Governmental Research Association, the American Municipal Association and the International City Managers' Association. The personnel of the committee is as follows:

Representing the National Municipal League:
  Herman C. Beyle, School of Citizenship and Public Affairs, Syracuse University
  Clarence E. Ridley, National Institute of Public Administration, New York City
Representing the Governmental Research Association:
  Wylie Kilpatrick, Institute for Research in the Social Sciences, University of Virginia
  Edward M. Martin, Public Affairs Committee, Union League Club, Chicago, Ill.
Representing the American Municipal Association:
  Sedley H. Phinney, New Jersey State League of Municipalities, Trenton, New Jersey
  Morton L. Wallerstein, League of Virginia Municipalities, Richmond, Virginia
Representing the City Managers' Association:
  John P. Broome, City Manager, Summit, New Jersey
  Colonel C. O. Sherrill, City Manager, Cincinnati, Ohio

On January 4 the committee held its first meeting at 261 Broadway, New York City, and organized by electing the following officers:

Chairman—Colonel C. O. Sherrill
Vice-chairman—Clarence E. Ridley
Secretary—Dr. Wylie Kilpatrick

The committee decided to undertake, as its immediate objective, the formulation of a suggested form of annual report for a municipal government. This will contain suggestions for the subject matter of such report as a whole, and detailed suggestions for the report of the various departments constituting the city government.

After this initial task is completed, the committee will probably study general specifications for functional reporting and principles and agencies for current reporting.

◆

Committee on Park and Playground Administration.—Professor Jay B. Nash of New York University, a noted authority on playgrounds and recreation, is at present preparing a book on this general subject. As a part of his report, he wants to recommend standards of administration for parks and playgrounds. At his request, the League has appointed an advisory committee, of which Professor Nash will act as secretary. This committee will receive Professor Nash's tentative recommendations for the proper means of administering the park and playground function of city government and the proper allocation of responsibility among the various city agencies involved. It will be the function of the committee to advise Professor Nash and to sponsor the final statement of standards of administration which will be published as a League pamphlet as soon as completed. The personnel of the committee is as follows:

Leroy Bowman, secretary, The City Recreation Committee, New York City
Louis Brownlow, City Housing Corporation, Fair Lawn, N. J.
Harold S. Buttenheim, editor, *The American City*, New York City
W. P. Capes, New York State Conference of Mayors and Other City Officials, Albany, N. Y.
Lee F. Hanmer, director, department of recreation, Russell Sage Foundation, New York City
Professor R. O. Huus, Western Reserve University, Cleveland, Ohio
Professor Jay B. Nash, department of physical education, New York University, *secretary*

RUSSELL FORBES, *Secretary.*

NATIONAL MUNICIPAL REVIEW

VOL. XVIII, NO. 2 FEBRUARY, 1929 TOTAL NO. 152

EDITORIAL COMMENT

The Editor Returns and Reports

In years past the readers of the REVIEW have cheerfully borne the editor's absence when he has become involved in electoral matters in Latin America. Some have said that the magazine improved when he went away. Although this may perhaps be true, he nevertheless has a feeling of obligation towards the REVIEW audience and begs to report progress in Nicaragua, whence he has just returned.

On January 1, Nicaragua witnessed for the first time in her history a peaceful change in party government. On that day General Moncada, the leader of the unsuccessful Liberal Revolution of 1926–27, replaced don Adolfo Diaz, the Conservative president whose term had expired. The Liberals thus attained through the ballot what they had been unable to gain by revolution. Because the change was not accompanied by battles, burnings and death the present moment finds Nicaragua facing an apparent era of good feeling. True, some leaders of the defeated government are leaving to seek their fortunes in foreign lands. But the exodus is smaller than past party turnovers have witnessed. While some conservative politicians remaining are doubtless troubled by uneasy consciences, the new president has announced that political enemies will not be persecuted and many intend to put his promise to the test.

Too generally indeed has entrance to power in Nicaragua been used primarily as an opportunity to revenge one's enemies while enjoying the spoils of government unembarrassed by a Civil Service Reform League. Indeed these considerations have always outweighed all others, perpetuating thereby a political feud more intense and more enduring than in the other republics of Central America. In this unfortunate fact lies the reason why Nicaragua has seized and held the limelight, as far as the United States is concerned, since the filibustering William Walker sailed from California to "regenerate" its backward population.

The peaceful change in party control came as a consequence of the election held on November 4 under American auspices. Readers will remember that the disastrous revolution of 1926—27 had been called off on the promise of the United States to supervise a "free" election in 1928. The promise was that an American could serve as the chairman of every election board with a deciding vote in all cases. At the request of the Nicaraguans themselves, who said that the Marines were so much fairer than other Americans who visited their country, specially selected non-commissioned officers and enlisted men became the precinct chairmen.

Departmental chairmen and the headquarters staff were for the most part chosen from the Army. Having had experience in Latin countries and having been picked because of ability and sympathetic temperament, they were able to settle complaints and iron out difficulties to the complete satisfaction of both parties. After the election the defeated candidate telegraphed his congratulations to the victor and by this simple act smashed another century-old precedent.

For the most part the election was conducted along the lines prescribed in the law which I drafted in 1922. Personal registration was required of all. The ballot was official and secret. (In the old days each party printed its own ballots and the party in power counted them.) Opportunities for challenges and appeals were provided. The Guardia Nacional had replaced the old army and police. Organized and disciplined on a strict non-partisan basis, it removed many of the iniquities and abuses of old-fashioned elections. Aguardiente, the national drink with a kick, was controlled to prevent wholesale withdrawals for electioneering purposes, and the sale of all liquors was prohibited on registration and election days. Election day was consequently so quiet and sober that there was little fun in it for "active" partisans.

Of course rumors of fraud, violence and uprisings were many. But each complaint, no matter how trivial or imaginative, was investigated and the findings reported to the complainant. General McCoy, the chief of the mission, was the soul of courtesy and patience. These qualities, which he successfully communicated to his assistants, explain why both sides went to the polls in an honest effort to win. Former practice had been for one side or the other to take little part in an election, sometimes formally "abstaining." That this habit did not hold last November is sufficient tribute to the good faith and honor of the American supervision.

Every male Nicaraguan over twenty-one years of age has the right to vote; if he is married or can read and write he may vote at eighteen. Although there were 432 voting places many had to walk miles to cast a ballot. Fearing that some would try to repeat (for it is often difficult to identify Indians with no very fixed abiding place), both sides insisted that the voters be marked with an indelible stain as soon as they cast their ballots. We soon discovered that there is no indelible stain which is harmless to the skin, and it was in considerable trepidation that General McCoy agreed to the proposal on the condition that he might keep the name of the material secret. So every voter dipped his thumb and forefinger in mercurochrome, and instructions were published that any exceptionally clean or bleached finger would be *prima facie* grounds for arrest. Fortunately no case of an attempt to vote twice was reported.

It having been proved that a free electoral atmosphere can be maintained in Nicaragua, I have become optimistic respecting Chicago. Of the five hundred Americans who officiated in Nicaragua it was necessary to remove but two for incompetency or misconduct. Here is a reservoir of talent which Chicago might tap. And for peace officers she might call in the Nicaraguan National Guard.

H. W. Dodds.

WHAT P. R. HAS DONE FOR CINCINNATI[1]

BY HENRY BENTLEY

President, Cincinnati Charter Committee

Heralded as the friend of minorities, P. R. has given majority representation to the real majority group in Cincinnati. :: :: ::

Proportional representation has rivaled the romances of modern chemistry in its utilization of by-products. You are all familiar with the instances where the chemist, seeking the isolation of a given substance, has found, after success has crowned his experiment, that the residue left in the test tube was of greater commercial value than the substance of his original search. The present-day marvels of the chemical industry have resulted largely from the utilization of by-products. Most great discoveries have been accidental. Even those inventions that have been the direct result of research have frequently developed uses which the inventor had not originally perceived.

REAL MAJORITY SECURES MAJORITY REPRESENTATION

Proportional representation, in the same manner, has conferred benefits not originally planned. Devised as a method of voting that would give the minority equitable representation, the system in practice has demonstrated its greatest service in giving to the majority its proper majority representation. When the charter of the city of Cincinnati was changed and proportional representation placed in the organic law, it was urged, as a reason for the change, that it would afford proper representation to the minority. At that time, in 1924, the council of the city of Cincinnati consisted of thirty-two councilmen, twenty-six elected by wards and six at large. Thirty-one of these councilmen were members of the Republican organization; one lone councilman was the representative of the minority. This representation had resulted from an election held in 1921 in which the Republican candidates polled 69,005 votes, and their opponents, 62,540 votes. A similar disproportion between the votes cast and the resulting control of political government had continued in Cincinnati for many years. The proponents of proportional representation urged the adoption of the city charter amendment on the basis that proportional representation would prevent such gross inequality and would give proper representation to the minority.

THE REPUBLICANS HAD BEEN MINORITY FOR FORTY YEARS

The result of the first two elections in Cincinnati under proportional representation demonstrated that that promise was true; but the by-product of the experiment was vastly more useful than the direct object sought. Before the first election under proportional representation was held in 1925, it had been thought that the Republican organization in Cincinnati represented a large majority. For forty years, from 1884 to 1924 with minor exceptions, that organization had controlled the city government. During all of those years, elections had been conducted under the so-called majority system. After the first election under proportional representation in 1925, the public was astounded to find that under the fair system of determination afforded by proportional representation, the Republican machine was the real minority. Proportional representation had demonstrated its claim to give the minority representation proportioned to its strength by securing the election of three representatives of the Republican machine. The Republican machine was the minority, and it received minority representation. The election in 1927 still further demonstrated this fact. In the 1925 election, the Republican machine elected three councilmen, $33\frac{1}{3}$ per cent of the council. In the 1927 election, it elected two councilmen, only $22^2/_9$ per cent of the council.

---

[1] Address delivered at the annual meeting of the Proportional Representation League, Cincinnati, Wednesday, October 17, 1928.

Before the introduction of proportional representation in Cincinnati, the plan of voting under the so-called majority system permitted the control of government by a minority. The first election under proportional representation in 1925 demonstrated how completely the old system of voting had been misnamed when it was styled the majority system. The last two elections in Cincinnati have conclusively demonstrated that the once vaunted majority is, and probably always has been, a minority disguised as a majority by an unfair and fallacious system of counting the vote.

REPUBLICANS CONTROLLED PRIMARY ELECTIONS

Under the old system the Democrats and the Republicans apparently contested the election. The party receiving the majority of the votes elected all of its candidates and apparently the majority controlled the government. As a matter of fact, however, the candidates whose names appeared on the ballot under the Republican and Democratic emblems had to be first selected at another election, the primary. At that primary a majority vote was not required for selection. If there were more than two candidates, a mere plurality was sufficient to secure the nomination. The machine had under its control all of the office-holders of the city and county. These office-holders were bound to vote as the machine directed. Five thousand employees of the city of Cincinnati and seventeen hundred employees of Hamilton County constituted a standing army of workers sufficient to control any primary election. If each office-holder could control one and one-half votes besides his own, this assured a vote of over 15,000 for the machine candidate. For forty years, from 1884 to 1924, 15,000 votes were sufficient to control the selection of candidates at every primary election in Hamilton County.

Under this system, if anyone seriously contested the machine candidate for nomination, it was very easy to nominate a third, fourth, or even a fifth candidate to split the vote. Since merely a plurality was required, the machine, by consolidating the votes of its employees upon one candidate, could insure his election. Furthermore, the primaries were held in August when a large portion of the voting population was absent from the city, and under these circumstances, candidates were selected regularly by a very small minority of the voters. This peculiarity of the so-called system of majority voting is directly responsible for the existence and continuance of the machine system of politics in our large cities.

P. R. ELIMINATES PRIMARIES

The system of proportional representation does away with the necessity for a primary. It removes one more hurdle from the obstacle race that political machines have devised to prevent the majority from selecting its representatives for governmental positions. By the system of the single transferable vote, proportional representation has abolished the danger of the independent vote being split among many candidates. By combining the primary and general elections and permitting any person to run for the city council who can secure five hundred signatures to his petition, proportional representation has made it possible for the majority of the voters to elect the majority of the council.

THE CITY CHARTER COMMITTEE SUSTAINS CITIZEN INTEREST

In Cincinnati, immediately after the system of proportional representation had been adopted, and one year before the first election under that system, an organization was formed to put in effect the new system of voting. This organization, the City Charter Committee, taught the public how to use the new system, persuaded candidates fit for the office to run for council, and enlisted support in their behalf. It has successfully conducted two campaigns and has twice elected six out of nine members of the council. My answer to the question, "What has proportional representation done for Cincinnati?" would be that it has afforded an opportunity for citizens to unite and secure for themselves good government. Proportional representation did not automatically produce good government; but by the device of the single transferable vote, it combined the primary with the general election. It compelled the citizens as a whole to take part in the selection of candidates, and this of itself removed the greatest obstacle to good government, the power of an organized minority to control the selection of candidates.

Of course, it is possible for the citizens to take no more interest in the general election than formerly in the primary. If this is the case, government under proportional representation will show little improvement over government under the old system. The difference between the success of the system of proportional representation in Cincinnati, and its comparative failure in some other cities, is due solely to the degree of citizens' interest. Cincinnati organized a City Charter Committee to keep alive the interest of its citizens. Proportional representation, by demonstrating to the voter that his or her vote counted, has made it easier to maintain that interest. To secure good government requires good men in office, and to elect good men requires citizen interest. In Cincinnati, with proportional representation and the City Charter Committee, we have secured good councilmen, an excellent city manager, and splendid government.

OUR AMERICAN MAYORS

XV. MURRAY SEASONGOOD OF CINCINNATI

BY RUSSELL WILSON

Associate Editor, Cincinnati Times-Star

A leader of the shock troops in the fight for the city manager charter, Mayor Seasongood has become chief of staff. He is the ideal mayor in a city manager form of government. :: :: :: :: ::

MAYOR MURRAY SEASONGOOD

To understand the projection of Murray Seasongood into Cincinnati politics, it is necessary to know something of the political history of Cincinnati for thirty years preceding the overturn of the mayor and ward-council form of government and the adoption of a city manager and small-council form in 1924 by a referendum. Popular journalism, in the form of magazine and newspaper-supplement articles, familiarized the American public with what now seems the crude domination of the Republican party in Cincinnati by the late George B. Cox. But such journalism had passed from popularity by the time that the late Rudolph K. Hynicka succeeded Cox, although Hynicka's domination was quite as great as Cox's, with a difference of technique. And now that Fred Schneller, another ward politician, bestrides the party, little or no attention is paid to him by other than local journalism. Perhaps the comparative neglect is due to a decline in personality.

THE BOSSISM OF COX

George B. Cox was essentially a stupid man, but he had a native force that carried him from ward politician and saloon-keeper in the restricted district to city boss and bank president. He got to know men in the rough-and-tumble days, and his temperament and his experience prompted him to keep his mouth shut and to strike hard. When he rose to greater heights and became a boss who had to deal with business men, he kept his habit of saturnine reticence, and in lieu of physical violence struck hard with job or contract. Cox had a hardly hidden contempt for the business men he dealt with. He knew a sycophant both by instinct and by familiarity with the breed. A senator or a governor or the president of a large corporation was the same to him as a ward or precinct heeler. They were all brothers under the skin, with differing degrees of importance because of differing degrees of political power. The big fellows wanted to buy power in their big way, and the little fellows wanted to sell power in their little way. So Cox sold by wholesale and bought by retail. But the contempt he felt for business men, combined with his natural stupidity, was Cox's downfall. He became president of a bank. Business men of one kind or another took it away from him. Rather they took the assets from him while he was looking and let the financial temple fall on a stricken Samson, who could see but could not think in terms of legitimate trade.

HYNICKA, THE BURLESQUE BOSS

Then came Hynicka, who had been Cox's first lieutenant. Hynicka had an alert mind and he had personal charm. Whereas the stupid Cox was straightforward in thought and utterance, Hynicka was devious in thought and specious in utterance. The result was that Hynicka's word was not as good as his bond among politicians, and he lacked the one virtue of Cox which henchmen were prone to exaggerate. Hynicka yearned for other fields to conquer. From proprietor of a burlesque theatre in Cincinnati he became head of a burlesque chain, with offices in New York. Despite Hynicka's shrewdness, he was a failure as absentee boss of a city. He was still able to beguile business men, talking to them glibly of the protective tariff when the only protective tariff he was interested in was the tariff paid by gamblers and such for protection. He could do political favors gracefully and graciously. But he could not pick his marshals. Mayors came and went, but a director of public service and a city engineer remained as Hynicka's representatives in the city government. The director of public service did not deserve the public confidence, early lost it, and never regained it. Both his method and his manner militated against him. But Hynicka retained this director of public service through three mayoral terms of eight years. As city engineer he had a man who was neither civil nor an engineer, but he stayed on, hampering his assistants and increasing his own unpopularity and that of his political organization.

Things went from bad to worse under the bossism of the absent Hynicka. Stupid policies were carried out, and stupidity in any form was not characteristic of Hynicka. Observers wondered whether Hynicka's telegrams to his two burlesque organizations in Cincinnati, theatrical and political, had not become crossed and orders been carried out in a spirit of dumb duty.

DEMOCRATIC ADMINISTRATION FOUND WANTING

The people of Cincinnati had been helpless for years. Their only form of protest was to turn the Republican organization out and let the Democratic organization in, and then, after one term of partisan "reform," to invite the Republican organization back to the jobs. The only interval in this vicious seesaw, with more Republican "see" than Democratic "saw," was the mildly Democratic mayoral term of Henry T. Hunt, who as prosecuting attorney had caused Cox's indictment and had made the big boss, hitherto invulnerable, seek sanctuary among technicalities devised by his own judges. Hunt was honest, intelligent and aggressive, but a street-railway strike which he let get away from him caused his defeat for reëlection by a small plurality. So a civic lethargy seized the citizens of Cincinnati. "Let bad enough alone" seemed their slogan of despair. The city was being sacrificed to the grafters and the inefficient.

But relief was at hand. The mounting cost of municipal administration forged a weapon with which the citizenry could strike at officials who were as contemptuous of criticism as they were inefficient. Proposed bond issues had been disapproved at the polls with an emphasis that amounted to derision. And when it became necessary to ask the people for extra levies so that the expenses of current administration might be met, the negative was equally emphatic. The people refused to provide for the present as well as for the future. An impasse had been reached.

ENTER MR. SEASONGOOD

The municipal administration was bewildered. George P. Carrel, the mayor, was equipped to sail the ship in fair weather, but not in fog or storm. He was a genial politician, to whom the study of intricate municipal problems was repellent. Instead of "George doing it," he let others do it, and they bungled it. The politicians became defiant toward public criticism.

Into this situation entered Murray Seasongood. Mr. Seasongood is a member of one of the Jewish families that came to Cincinnati about 1848 and have contributed so much to the culture and prosperity of the city. He was born in 1878, was graduated from Harvard University in 1900, received the degree of A.M. in 1901, and the degree of LL.B. from Harvard Law School in 1903. He entered the practice of the law in Cincinnati and soon became recognized as a young lawyer of great promise, a promise that has been amply realized. In Hynicka's effort to gloss his organization with respectability about twelve years ago, he appointed several prominent citizens to serve on a window-dressing committee. Mr. Seasongood was one of the chosen, but he soon appreciated the futility of his presence on such a committee and resigned.

THE CINCINNATUS ASSOCIATION

In 1921 there was formed the Cincinnatus Association. The organizing meeting was called by Captain Victor Heintz, who has since become prominent in local politics as the able leader of the Citizens' Republican faction, which has consistently and persistently fought the spoilsmen, led first by Hynicka and now by Schneller. The original purpose of the Cincinnatus Association was to instruct its members in public matters. Speakers were to be brought from other cities to expatiate on a variety of subjects. But the Association soon developed its own oratorical power and decided to confine itself to city affairs.

By 1923 the Cincinnatus Association had become a force for municipal good. The public was sitting up and taking notice of these younger men who were constructively criticizing the city government. In November of 1923 a proposal for an extra levy was to be submitted to the voters. Loud was the clamor of the gang orators. Stentorian appeals were made to city pride. At a meeting of the Cincinnatus Association Mr. Seasongood, a member, made a report on the proposal for an extra levy. It was a report, replete with data, but it was also a superb campaign speech. Mr. Seasongood is an excellent speaker, felicitous in phrase and cogent in logic, with an uncanny ability of resurrecting the apt anecdote. He hit the extra levy with the bludgeon of humor and stabbed it with the rapier of wit. Amid jeers of the populace, it retreated, a wounded and hunted thing.

SEASONGOOD DEBATES WITH THE ENEMY

The situation was desperate. The gang brought forth their Prince Ruperts of oratory, and sought to answer what Mr. Seasongood called "the shot heard 'round the wards." Then, by happy chance, one of the orators challenged Mr. Seasongood to a series of debates. All his opponent had to say was the stuff that had become trite through repetition at previous extra-levy referenda. Mr. Seasongood had something new to say and said it well. His figures, both of speech and of fact, confirmed public suspicion of official ineptitude or worse. When Mr. Seasongood's opponent was in full retreat, the gang brought up its heavy infantry, the ward workers, who organized a vigorous claque. At one meeting these claquers noisily left the hall as Mr. Seasongood rose to speak. They had applauded his opponent with the éclat of hard hands and heads, and they did not care to hear the doctrines of the enemy. Mr. Seasongood stood patiently as the boisterous feet reverberated out of the hall. After this strange recessional, he quietly began: "The tumult and the shouting dies, the captains and the kings depart."

THE CINCINNATI CHARTER COMMITTEE

After the defeat of the extra-levy proposal, rigor mortis seized the city administration. The politicians became quite as discontented as the citizens. There were few contracts and therefore few "perquisites" of office or bossism. The Cincinnatus Association had started a "birdless ballot" movement. Public sentiment for some fundamental change had been engendered, and this was taken over by a charter group, under the leadership of Henry Bentley, a prominent member of the Cincinnatus Association. Instead of merely a "birdless ballot," proportional representation was advocated, by which nine councilmen were to be elected at large, and they in turn were to choose a city manager at a salary of $25,000 a year. The councilmen, who were to receive $5,000 a year, were to elect one of their number as mayor, with $1,000 as added salary.

The old council consisted of twenty-six members elected from wards and six elected at large. It was misrepresentative of the citizens of Cincinnati. It was unintelligent and incapable of municipal aspirations. Its quality may be gauged by the character of the chairman of the committee on light, which had important utility contracts within its jurisdiction. He was an illiterate saloon keeper, who later turned state's evidence in the federal court against prohibition officers whom he had bribed, and whose place of business was finally padlocked. Yet the reports of the committee on light, signed by its chairman, were replete with technical terms and were "caviare to the general." Not being in his lingo, they doubtless were even more esoteric to the chairman. Where did he get his terms? Nay, where did he get his report?

THE SUCCESSFUL CAMPAIGN FOR CITY MANAGER CHARTER

Under the leadership of the charter group, headed by men like Henry Bentley, its chairman, Mr. Seasongood, Victor Heintz, Ralph Holterhoff, John D. Ellis, and Laurence Witten, the proposed charter was adopted by a vote of 92,000 to 41,000, or about 2¼ to 1. Mr. Seasongood did valiant work. There is real personal sacrifice when a lawyer with Mr. Seasongood's highly active practice throws himself into a municipal campaign like the charter election. The gang was deeply intrenched in the court house as well as in the city hall. And there are many unscrupulous things, big and petty, that a political organization in power can do to a lawyer who fights it hard. This was especially true at the time that

Mr. Seasongood led the fight for the charter. The selection of jurors was largely a matter of gang patronage, a condition that has been relieved at least temporarily by the scandal of the Remus jury of gang personnel, which tried to outdo a gang sheriff in treating a notorious bootlegger, who had cruelly killed his wife, as a transient state guest to whom the honors of the occasion were due. This jury system was a menace to Mr. Seasongood and his clients. Other forms of reprisal were devised by ingenious politicians. But Mr. Seasongood can become quite as indignant at petty tyranny as he can at gross corruption or inefficiency. So he decided to fight on, to follow through on a stroke of which the charter referendum was only the stance.

THE NEW COUNCIL

Mr. Seasongood became one of the nine charter group candidates for council. Six of these candidates were elected. They included, besides Mr. Seasongood, former Judge Edward T. Dixon, former Judge Stanley Matthews, Tylor Field, Charles O. Rose and Julius Luchsinger. Judge Dixon and Judge Matthews were Democrats, and the four others were Republicans. Mr. Field was president of a large construction company and represented the best in Cincinnati's business and social life. Mr. Rose had been the one efficient oasis in the desert of the old council. He is honest, is a lawyer of ability, knows the city government thoroughly, and is an indefatigable worker. Mr. Luchsinger represented union labor, and did not run again. Judge Matthews is one of the ablest lawyers in Cincinnati, and Judge Dixon is both popular and a speaker of very real appeal. Judge Dixon led in the count, Mr. Seasongood being a close second.

The Republican organization elected three. Fred Schneller, who is now the boss, was a member of council years before and for sixteen years had been clerk of council, acting as liaison officer and interpreter between its less astute members and the interests of the outside world. With him were elected Martin Daly, present plumber and former councilman and county commissioner, and Charles Lackman, who ran well because of the reminiscent spell exercised by the name of Lackman, which had been that of a very popular beer. Mr. Lackman sells ice cream, and is no relation to the erstwhile brewing family.

THE CHARTER GROUP RETAINS CONTROL

The election of councilmen showed an advance of the charter group in popular appeal. The ratio was almost 2½ for the charter candidates to one for the organization candidates. Mr. Schneller stood third in the first count, but was the fifth to be declared elected. Two years later, in 1927, six charter candidates were elected, Mayor Seasongood, Mr. Field, Mr. Rose, Judge Matthews and Judge Dixon being reelected, and Charles Eisen, a banker and retired manufacturer, being the sixth charter councilman. Only two organization candidates, Mr. Schneller and Mr. Daly, were elected. The ninth councilman is former municipal Judge Yeatman, who ran as an Independent. He is a Republican. In this election of 1927, Mayor Seasongood's name assumed the Abou Ben Adhem position. Mr. Schneller, who had become the recognized boss of the Republican organization, was the recipient of the intensive vote controlled by ward and precinct workers and was a good second. The still popular Judge Dixon was third. The ratio of 2½ to 1 in the vote was more than maintained by the charter candidates.

SEASONGOOD IS A FEARLESS LEADER

So much for the facts of Cincinnati's political revolution. Through the interstices of this chronicle something of Mayor Seasongood's character and personality has peered. There can be no question as to the quality of the work he has done for his city. Most of his enemies, and he has many, both personal and political, will admit his achievement and the courage and intelligence that made it possible. But the animosity displayed toward Mayor Seasongood in many quarters was inevitable. Mayor Seasongood is leader of a group of men and women who have crashed the gates of dirty privilege and of the smug complacency in business and among lawyers that connives at political dirt. He has been a bull in a china shop who has also kicked out the show windows. The effect on the show windows accounts for much of the respectability that there may be in the opposition to Mayor Seasongood. He is not popular with men who believe that rotten city and county government is the price which citizens should pay for the maintenance of a national party organization. These phenomena are not exclusively Republican. They exist in Democratic cities. Such men are indispensable to a local political organization, for behind their looming and obscuring backs graft and crooked voting and other political obliquities are accomplished. These men range from the lesser business men and lawyers to the big fellows, potential ambassadors with whom hope springs eternal in their pocketbooks. Mayor Seasongood's single purpose to give his city good government has not been pleasant to these men. They sigh for the days of Cox or Hynicka, when their public complaisance received recognition, often to their private emolument.

SEASONGOOD AND SHERRILL—THE IDEAL WORKING COMBINATION

Mr. Seasongood's conception of the mayoralty is not that of the figurehead usually accepted under the city manager form of government. He has refused to be merely ornamental. Yet no mayor could have more scrupulously abided by the theory of an unhampered city manager than has Mr. Seasongood. He has in no way interfered with Colonel Clarence O. Sherrill, the city manager, during the three years of his incumbency, and has assisted greatly in defending the city manager's jurisdiction from political raids. Mayor Seasongood's leadership is not owing to patronage or to the political privileges that often emanate from a mayor. It is entirely a moral leadership.

THE MAYOR AS A LEADER

He has thrown mud, but he has gotten it from the figures of his targets. His own hands are clean except when they are subdued, like the dyer's hand, to what they work in. And sometimes Mr. Seasongood has been a poor judge of mud, mistaking common clay, that has grown politically sloppy, for dirt. But he has hit a number of citizens hard with their own misdeeds and in such manner that the bespattering won't come off. It was something that had to be done if corrupt leadership and smug connivance were to be fought.

Above all, Mr. Seasongood aroused good citizens from their lethargy. They were without hope until the charter movement, of which Mayor Seasongood has been a leader, got under way. Now they have hope and the city government. Mr. Seasongood's critics are still clamant, but all they can say is that he has the petty defects of his great qualities. He has the irritability of a sensitive temperament and an intense sincerity. If at times he makes the judicious grieve, the judicious never doubt the man or the mayor. He is perhaps too much of an individualist for work that should be accomplished through coöperation. But politically he is "sans peur et sans reproche." He possesses ideals and he has imparted ideals. And he does not see why they should not be lived up to.

One achievement of Mayor Seasongood's that not even his enemies deny is being the original Colonel Sherrill man in the new city government. After six of the candidates nominated for council by the charter group had been elected, the naming of a city manager became an acute problem. The people had adopted the charter and had elected six of the candidates of the charter's proponents. But would these votes of confidence be justified? Would the city charter group be able to suit municipal action to its many words? Mr. Seasongood quietly went to Washington, where he groped his way among possibilities until a good fairy led him to Colonel Sherrill of the Army engineers, who had been assigned to administrative work in the city government of Washington.

THE ACHIEVEMENTS OF THE CITY MANAGER

Colonel Sherrill was elected by council and undertook the "noble experiment" of giving Cincinnati a hundred cents' worth of government for every dollar of taxes. To say that he has succeeded is to put it mildly. Citizens have been given good streets at comparatively low cost, and like both the streets and the cost. Contractors have been given a square deal, and even the favorites under former impossible specifications are not averse to "The Colonel." The whole city has been toned up.

From being the worst governed city in the United States, Cincinnati has become the best governed. Superlatives are usually unjustified, but "worst governed" and "best governed" are truly applicable to the Cincinnati of five years ago and the Cincinnati of today. A Cincinnatian of five or seven or ten years ago was a citizen ashamed. Today he is a citizen proud. And the strange part of it all, to a cynical political observer, is the apparent unanimity of approval given Colonel Sherrill's administration.

THE MAYOR TAKES THE BRICKBATS

This apparent unanimity is partly due to Mayor Seasongood. He has drawn much of the fire that would have been directed against Colonel Sherrill if the boys with the brickbats had not been busy hurling their limited supply at the head of His Honor, the Mayor. And there are some who give lavish bouquets to Colonel Sherrill with one hand, and with the other project jagged brickbats at Mayor Seasongood. The mayor is quite content that it should be so. He realizes the value of the deserved praise that doth hedge the city manager, and gladly accepts a brickbat for the mayor as compensation for a bouquet for the colonel.

CITY MANAGEMENT PERMANENT IN CINCINNATI

What of the future? The real issue in future municipal elections will be Sherrillism against Schnellerism—Sherrill of municipal ideals and efficiency against Schneller, the boss of sordid traditions. The gang has the court house and the apostles of good government have the city hall. The unanimity in favor of Colonel Sherrill is apparent, not real, although the great majority of citizens favor the retention of Colonel Sherrill and the form of government that has made his honesty and efficiency possible to Cincinnati. Mr. Schneller and his satellites, like state Attorney-General Gilbert Bettman and state Commerce Director Ed Schorr, are only biding their time. In fact, Mr. Bettman is still blathering about the present form of government's being a departure from "our institutions."

These men and their army will move on the charter when they think that the strategic moment has arrived. When they do, the man whom they will most fear is Mayor Seasongood. He helped to give the city its present form of government, and he will not permit it to be taken away without raising his puissant voice in its behalf. And I doubt that these raids on the charter will be successful. The efficiency of Colonel Sherrill has become a fine tradition in a city that has found itself, and the municipal government of five years ago was so awful that its memory will long be vivid. An invidious comparison will inevitably do its work at the polls.

As a rule I am opposed to monuments. But some day Cincinnati should raise one to Murray Seasongood, a cultured gentleman who imparted his political ideals to his fellow citizens. He has suffered some of the pains of a prophet, but he is not nor shall he be without honor in his own city.

PUBLIC OPERATION VERSUS STATE REGULATION: TWO HYDRO-ELECTRIC SYSTEMS COMPARED

BY JAMES MALCOLM

Editor, State Service, Albany, N. Y.

The achievements of the Ontario hydro-electric power system, a powerful argument for public ownership and operation. :: :: ::

For the first time in our history, the water power or hydro-electric question was, during the past year, among the most conspicuous of those discussed in a presidential campaign. While not exactly an issue between the two major parties, since it ran across both Republican and Democratic organizations, it will unquestionably be a political bone of contention until a satisfactory solution has been found.

For more than twenty years there have been conducted side by side, in the state of New York and in the province of Ontario, Canada, two radically different methods of producing and distributing electrical energy. They might well have been chosen as rival experiment stations to determine which, in the course of years, was the better in serving the public. As it happened, they came into being about the same time and from time to time the Ontario system has been cited as an example. Briefly stated, they are:

> In New York state, private development under state regulation of rates and service.
>
> In Ontario, public development by coöperating municipalities and communities, supervised by a non-partisan provincial commission.

What has been the net result of

these systems, after twenty years' operation? It seems to the writer that the facts not only should speak for themselves, but might point the way to a solution of what continues to be a difficult problem in the United States.

IS REGULATION A SUCCESS?

Because of the natural aversion of many Americans to government ownership and operation of any business, whether it be monopolistic or competitive in character, the public seemed to be willing to resort to any other workable means of controlling public utilities. For many years there was little or no control of these enterprises; but when abuses multiplied, due to dishonest capitalization and similar causes, a demand came for strict regulation. It was in 1907, during the first term of Governor Charles E. Hughes, that our present public service system was created. Two commissions of five members each were brought into being, each of the ten members to receive a salary of $15,000 a year.

When the law was enacted twenty-one years ago, it was hailed as the remedy for a growing evil by the public generally, but opposed by the utilities to be regulated.

Without citing specific instances to prove that regulation has fallen far short of fulfilling the hopes of its advocates, it is enough to say that it has given little or no relief to the public so far as the larger utilities are concerned. By many who have studied the question, regulation in New York and nearly every other state has been declared a failure. More important for the present purpose is the outstanding fact that twenty-one years of state regulation of electrical rates have not resulted in substantial decrease either for domestic or industrial consumers; while across the national boundary in Ontario, under a publicly-owned and operated system, the rates are from one-quarter to one-third of those paid in New York state. After all, the service, the rates, and the soundness of the financial structure constitute the supreme test.

THE ACHIEVEMENTS IN ONTARIO

The writer has visited Ontario annually for the last twenty years and has watched with increasing interest the development of the hydro-electric system there from its inception. On several occasions he interviewed the late Sir Adam Beck, founder of the system, to learn his plans and hopes, and especially to ascertain how he expected to carry them out without interference from politicians, something which continues to be feared by many sincere opponents of public ownership in the United States. Sir Adam said:

> We have never had any trouble of that kind, although we are constantly on guard against the possibility of political interference. At the beginning, obstacles were put in our way by private companies after they became convinced that the league of municipalities meant business. They were amazed and alarmed at the rapidity with which the plan grew. But that policy of obstruction ceased as soon as it was demonstrated in a perfectly open and above-board way that our theory worked out in actual practise; that instead of supplying electricity only to a restricted area near Niagara Falls and at high rates, we were able at once to cut the rate in two and transmit power to all parts of the province, to small and large consumers, to large cities, to hamlets, and even rural districts at lower and lower rates. When people saw what could be done by cities and communities, thus coöperating, we didn't have much trouble from the private companies or the politicians for the simple reason that every patron of hydro became alive to the importance of protecting it.

That was eight years ago, when the number of municipalities and communities had increased from twelve in 1910 to about 250 in 1920. Today they number between 500 and 600, all united in the enterprise of generating electricity and transmitting it at cost to their members at the four corners of the province, plus the usual amounts to maintain and replace the generating and transmission plants.

It should be remembered that outside the few large cities, the province of Ontario, with a total population of about 3,000,000, is very much more sparsely settled than is New York state. The economies, therefore, for distribution are decidedly on the side of the latter.

RATES IN NEW YORK AND ONTARIO COMPARED

The Public Committee on Power in New York State, a nonpartisan committee aiming to protect the interests of small consumers, recently prepared the following table comparing rates for domestic consumers in this state and in Ontario:

I Ontario city with population	II Average monthly service (kw. h.)	III Average monthly bill	IV Adding one cent allowance per kw. h. to bill	V Cities in New York state of similar size	VI Cost of same amount of service monthly	VII Difference per month, after allowance	VIII Difference per year, after allowance
Brantford 28,010	122	$1.84	$3.06	Kingston	$7.68	$4.62	$55.44
				Mt. Vernon, White Plains	12.34	9.28	111.36
				Cohoes	8.10	5.04	60.48
			*2.21	*Lockport	4.24	2.03	24.36
Chatham 14,120	71	1.50	2.21	Middletown	7.42	5.21	62.52
			*1.71	*Batavia	3.27	1.56	18.72
Galt 12,690	132	2.37	3.69	Glen Cove	13.65	9.96	119.52
				Johnstown	13.20	9.51	114.12
				Oneida	12.17	8.48	101.76
				Watervliet	14.48	10.79	129.68
Guelph 19,220	79	1.48	2.27	Gloversville	7.90	5.63	67.56
Hamilton 122,240	109	1.74	2.83	Utica	7.15	4.32	51.84
				Syracuse	6.49	3.66	43.92
				Richmond, Borough of	5.91	3.08	36.96
Kitchener 24,800	131	2.07	3.38	Amsterdam	11.79	8.41	100.92
Kingston 21,600	49	1.54	2.03	Ogdensburg, Oswego	4.41	2.38	28.56
London 63,340	116	1.77	2.93	Schenectady	5.84	2.91	34.92
				Binghamton	5.74	2.81	33.72
Niagara Falls 16,800	208	2.54	4.62				
Ottawa 118,090	179	1.75	3.54	Albany	14.32	10.78	129.36
				Yonkers	15.32	11.78	141.36
Owen Sound 12,230	65	1.25	1.90	Cortland	5.28	3.38	40.56
				Fulton	3.63	1.73	20.76
				Hudson	5.85	3.95	47.40
			*1.45	*Tonawanda	4.05	2.60	31.20
Peterborough 21,730	66	1.43	2.09	Poughkeepsie, Newburgh	6.60	4.51	54.12
Port Arthur 17,020	120	1.80	*2.16	*North Tonawanda	4.05	1.89	22.68
St. Catharines 21,810	124	1.70	2.94	Rome	5.36	2.42	29.04
St. Thomas 17,150	93	1.50	2.43	Hornell	9.80	7.37	88.44
Sarnia 15,600	81	1.69	2.50	Geneva	6.88	4.38	57.36
				Glen Falls, Saratoga Springs	7.29	4.79	57.68
Stratford 18,890	147	2.73	4.20	Corning	11.69	7.49	89.88
				Ithaca	17.64	13.44	161.28
Toronto 542,190	94	1.63	2.57	Rochester	4.91	2.34	28.08
				Bronx, Brooklyn, Manhattan	6.58	4.01	48.22
				Queens, Borough of	7.52	4.95	59.40
			*2.91	*Buffalo	4.36	2.44	29.28
Welland 8,940	114	1.88	3.02	Canandaigua	5.13	2.11	25.32
				Mechanicsville	11.31	8.29	99.48
				Norwich	15.96	12.94	155.48
Windsor 52,640	125	2.32	3.57	Auburn	9.95	6.38	76.56
				New Rochelle	12.62	9.05	109.10
				Troy	10.00	6.43	77.16
			*2.70	*Niagara Falls	5.40	2.70	32.40
Woodstock 10,120	125	1.91	3.16	Oneonta	15.98	12.82	153.84
				Plattsburgh	14.55	11.39	136.68
				Rensselaer	7.90	4.74	56.88

The twenty-one Canadian cities listed above are typical of the 500 odd cities and villages supplied by the hydro system. If you are a resident of a city in New York state, place your finger on the village or city you reside in, or one similar in population, and then refer to the Ontario city opposite for comparison of monthly bills in columns III and VI, for exactly the same service. In column IV one cent a kilowatt is added to the Ontario bill for the greater taxes paid by private companies, considered a liberal allowance. Starred cities get cheap power because they are near Niagara Falls even though three mills are added for state and local taxes, also considered a liberal allowance.

Columns VII and VIII show the excess per month and per year paid by New York consumers over those in Ontario.

Cheapness of electricity in Ontario naturally increases the consumption there. In this country the average monthly consumption in homes is 31½ kilowatt hours, while in Ontario homes it is 98, or more than three times as much.

POWER BOUGHT FROM PRIVATE COMPANIES

At the outset, when only twelve municipalities were members of the plan, electric power was bought from three private companies at Niagara Falls on the Canadian side of the river, the commission erecting transmission lines and selling the energy to the cities. The wholesale price paid the companies was $9.40 per horse power for the first 20,000 horse power, and $9.00 per horse power above that quantity. These were considered low rates even at that time. The commission, acting for the cities, a few years afterwards acquired the private companies and erected farther down the river what is known as the Chippawa-Queenston generating plant, with 100 feet more head than at the Falls, and one of the largest in the world (Figure 1). The water for this station is taken from the Niagara River above the Falls and diverted through a canal a distance of eight miles to a point near Queenston where the power is generated over a head of 300 feet. Sir Adam Beck pointed out to a committee of Congress, at Washington, that, whereas in this one plant at Queenston the commission was generating 550,000 horse power at a capital expenditure of about $25,000,000, a similar power opportunity on the American side continued undeveloped by the private corporation which owned it. He argued that it was one of many examples to prove that private initiative does not appear to equal the intitiative of a commission acting for the public.

TWENTY-TWO PUBLICLY-OWNED GENERATING STATIONS

Twenty-two generating stations, including those at Niagara Falls, are owned by the league of municipalities. These and the transmission lines are administered by the commission.

The greatest distance over which power is transmitted by the commission is 250 miles between Niagara Falls and the city of Windsor, across from Detroit, Mich. Prior to the advent of the publicly-owned plant domestic consumers paid to the Edison company of Detroit 12 cents a kilowatt hour. This was immediately reduced to 4.9 cents in 1915, the first year Niagara power was transmitted to Windsor; and year by year it has gone down until it is now 1.7 cents. One result of low-priced power in Windsor is the use of nearly 8,000 electric cooking ranges in a population of about 56,000. Domestic consumers, as another result of cheap power, increased in number from 1802 in 1914 to 13,464 in 1926, more than seven times in twelve years.

Commercial light service in Windsor was reduced from 8 cents to 2.2 cents in the same time, the number of consumers increasing from 257 to 1703.

LARGE CONSUMPTION PER CAPITA

One striking feature of the Ontario system is the greatly increased use per capita of power for all purposes. When Toronto was linked with the publicly-owned system in 1912, it began with 11,441 domestic consumers in that city. At the end of 1927 there were about 130,000, or nearly twelve times as many. During the same period commercial light patrons increased from 4,764 to 21,235, and industrial power users, from 11,959 to 152,801.

When the new system began to deliver power in 1912, it was in competition with the Toronto Power Company, a private corporation which was charging 8 cents a kilowatt hour, plus 25 cents a month for meter rental. As the publicly-owned system reduced the rate the first year to 4.4 cents, the private company had to meet this rate. Ten years later the provincial commission, acting for the coöperating municipalities, bought out the private company. The rate per kilowatt hour in 1927 was 1.7 cents for domestic service, or less than one-fourth that charged in 1912 by the Toronto company. The average monthly bill to domestic consumers is now $1.63, and the average monthly consumption, 94 kilowatts. In 1913 the average monthly bill was $1.25 and average consumption 25 kilowatts. That is to say, the consumer of 1913 used less than a third of the electricity now used and his monthly bill is only slightly increased.

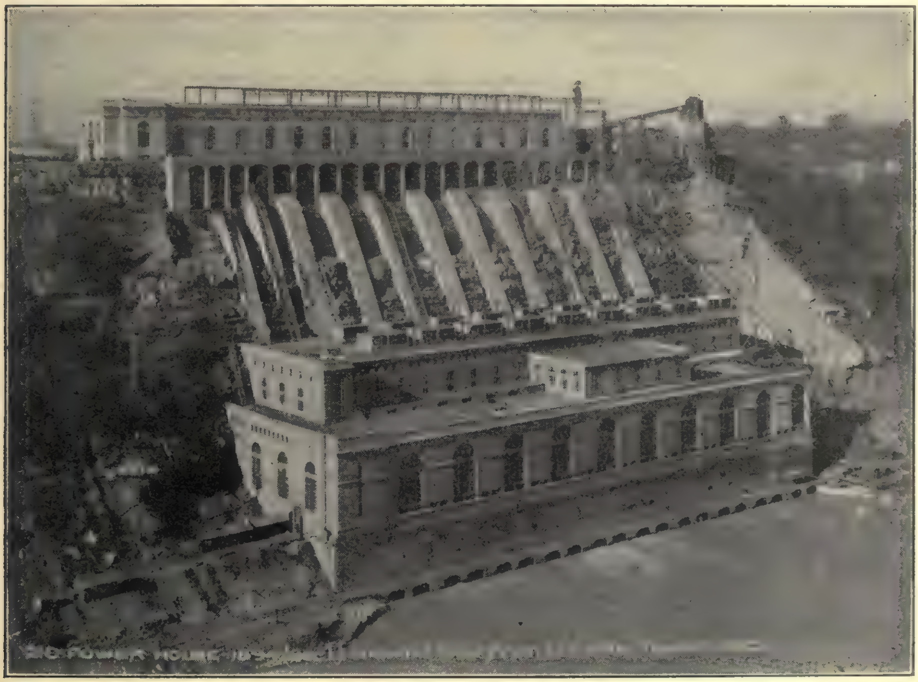


Figure 1

And so it goes in the 550 cities and communities in the province served by the hydro-electric commission—the consumption per capita has been tremendously increased while the prices have dropped to their present low level. It should always be borne in mind that these low rates include sufficient not merely for the usual upkeep and operation, but for paying off all indebtedness, and for replacing the plant in about thirty years. Many of the muncipalities have already done this in less than twenty years.

So great is the demand for power in Ontario that the commission, pending an agreement with New York state for development of the St. Lawrence River, purchased from the Gatineau Power Company, a private corporation in the province of Quebec, 260,000 horse power generated on the Gatineau River, for distribution in Ontario. On October 1, 1928, the first block of 80,000 horse power was turned on. The power is transmitted about 230 miles to Toronto, where it is transformed for transmission on the Ontario lines.

CHEAP POWER FOR THE FARMERS

The rural service rendered by the Ontario commission is one of which the province is proud. It is a service not only to farmers and residents of sparsely settled districts, but to little hamlets and the smaller villages all linked together coöperatively. One has only to look at a map of Ontario, indicating the transmission lines and developing centers, to know how widely power is distributed. These small settlements could not hope, at least for many years to come, for cheap power in abundance under privately-owned plants. Almost from the start of the Ontario system in 1910, the commission began to serve rural districts near cities and villages; but it was not until 1920 that the movement was given impetus. What are known as "rural power districts" were then charted until now the rural main power lines, totaling over 3,000 miles and ramifying the agricultural sections of the province, have been constructed and already serve 25,000 rural customers.

On account of the expense of building power lines in sparsely settled regions, the Ontario government, beginning in 1921, passed a law to pay half the cost of "primary lines," and thus make the power cheaper to rural residents. This is the only departure from the policy requiring consumers to pay all the cost of generating and delivering the power as well as all other expenses in the operation of the system. Needless to say, the small cost, thus borne by the taxpayers of the province, brings inestimable comforts to the rural resident which he could not otherwise enjoy. Aside from this small assistance, each rural district, meaning the consumers, pays its own cost of operation, administration, and maintenance of the lines. Unlike the municipalities, the rural districts are administered directly by the provincial commission instead of by a local body.

FARMERS COOK WITH ELECTRICITY

Ontario farmers, especially those with the larger farms, find it profitable to cook with electricity. In the main they have as many household equipments for electrical use as do the city residents. A typical dairy farm installation is described as comprising lighting, cooking range, vacuum cleaner, clothes-washer, electric iron and toaster, compression water system in basement operated automatically, large refrigeration unit, milk cooler, milk-bottle washer, fodder cutter in barn, and in addition the current is used for charging automobile batteries and inflating tires. The electric bill for three months on this typical farm was $25.46 net, plus $8.45 for service charge. This makes the service a trifle over $11 per month.

NEW KIND OF PUBLIC OWNERSHIP

The origin and growth of the Ontario hydro-electric system proves, among other things, that it is essentially different from the public ownership and operation usually visualized in the public mind. Here are some of the differences:

It is based on the initiative of municipalities, and not on any primary move of the provincial government.

It is voluntary with these municipalities, either to accept or to reject by popular vote, electric power supplied by the coöperating cities.

A commission composed of representative business men and technical experts, five in number, constitutes the supervisory and advisory body of the union of cities. These commissioners are appointed by the provincial parliament.

Each coöperating city or village of any size employs a power manager subject to the control of the common council or other governing body. When the community is not of sufficient size to employ a manager, the commission itself supervises the local distributing system.

The commission, as the agency of the municipalities, fixes the rates to be charged in each city, village or community, based upon cost. These rates go up or down according to cost of production and distribution.

THE ECONOMIES OF SUPER-POWER

Since 1910, when the coöperative plan began operation, the rate for domestic uses in Ontario has been reduced from 9.3 cents per kilowatt hour to 1.66 cents; for commercial uses from 10 cents to 2½ cents; and for industrial power from 1¾ cents to 6/10 cents per kilowatt hour. During the same period, domestic power in the United States was reduced on an average from 9.2 cents to 7.4 cents, according to *The Electrical World* of January, 1928.

The Ontario system ranks among the greatest super-power enterprises in the world; it is a self-supporting league of communities; the power consumers are the owners and receive dividends in lower rates year by year as the system expands. These owners are gradually paying off loans advanced by the Ontario government, the low rates including enough to pay off all obligations in thirty years or less. No taxes are levied to maintain this municipal plan.

In New York state and other states power consumers receive little or no reduction in rates resulting from mergers and creation of super-power corporations. Instead of participating in the profits, consumers are required to pay for all anti-government ownership propaganda expenses such as are now being disclosed by the Federal Trade Commission.

The Canadian plan, being a municipal coöperative scheme, is in accord with Herbert Hoover's idea of coöperation as distinguished from bureaucracy. It is controlled by the units of the federated cities, villages, and rural districts, and not by a central government.

It is a partnership of municipalities engaged in the generation and distribution to themselves and their inhabitants of electric power, all benefits going to the consumers. The Hydro-Electric Commission is the instrumentality through which the partnership is managed.

BALANCING PREVENTION WITH FIGHTING WITHIN THE FIRE DEPARTMENT[1]

BY HAROLD A. STONE

Chief Engineer, California Taxpayers' Association

The up-to-date fire department should have a fire prevention bureau to isolate and control the causes of fires. :: :: :: :: ::

A NEW trend is developing in the field of fire protection to minimize the heavy losses in our American cities. The essence of this new idea is found in balancing fire prevention with fire fighting, making the two of equal importance. This is made possible because of a better recognition of fire hazards which in turn allows for their control. The controlling agency is not a fighting agency, but rather one of prevention. The possibilities of systematic control of fire hazards have already been recognized by many cities where fire prevention bureaus have been established, thus balancing the work of prevention with fighting.

FIRE PREVENTION THROUGH DISCOVERY OF CAUSES

Prevention of fires is comparable with the prevention of disease. In either case it is impossible to effect control unless the source and cause of the trouble be clearly known. The fire hazard, and similarly the disease germ, must be isolated. It has only been in recent years that fire hazards have been determined, classified, and rated according to their degree of potency. We have gone only a short way; more than forty per cent of the nation's fire losses, when expressed in dollars and cents, are still caused by fires of unknown origin; and in addition, there is yet much to learn about causes that have been, so to speak, pulled out from the fire.

Yellow fever was a mystery until the medical profession, through heroic efforts, discovered the deadly germ and learned of its mode of living. Thereafter control of the disease was made possible.

A story of surprising similarity can be told in the case of the fire engineering profession. Such hazards as rubbish and litter, sparks on roofs, and dust explosions formerly caused a large part of our total fire loss. Now they represent a relatively small percentage largely because they have been isolated as hazards and their peculiarities discovered. Consequently, their control is made possible.

CLASSES OF FIRE HAZARDS

Fire hazards can be divided into two main classes: those that are controllable, and those that are non-controllable. The latter can be called acts of God; but even here, fire losses can be held to a minimum if recognized methods of prevention are employed. Fires resulting from earthquakes, tornadoes, lightning and the like are subject to a certain amount of control. It has been estimated that there would have been considerable less loss through conflagration at the time of the San Francisco earthquake had the city been provided to a greater extent with fire stops. The success of fire prevention, however, lies principally with controllable hazards.

---

[1] This is the first of two articles on this subject by Mr. Stone. The second article will appear in the March issue.

The degree of controllability or preventability depends upon the type or kind of hazard. Controllable hazards can be subdivided into human hazards and material hazards. The former, due to their inherent characteristics, are subject to a lesser degree of control than are the latter. This is only a natural conclusion when thought is given to the idiosyncrasies of the human being, in contrast with the general constancy of inanimate objects.

One group that arises from the human hazard is the fires caused by carelessness. Prominent men in the field of fire prevention estimate that from thirty to ninety per cent of the number of fires can be attributed to careless acts. This meaningless wide range of guesses brings home from just one angle the fact that we know but little of the causes and origins of fires. Nevertheless, the source of most of the trouble can logically be laid on the shoulders of man, for it is not a building that causes fire, but the occupancy; and man is, in the last analysis, a major part of the element of occupancy. His thoughtless and negligent acts in many cases are directly traceable to the "I'll take a chance" attitude or the "I should worry" spirit. Such a spirit constitutes what may be called the *moral hazard*. Thus it can be seen that control of fires in this group is fraught with difficulty, yet the degree of control is surprisingly large whenever recognized preventive methods are used.

Controllable material hazards constitute buildings of every description, including their equipment and machinery. Supplies, stores and inventory articles are subject to a large degree of control. Processes used in manufacturing, methods of operation, and similar physical fire hazards also lend themselves to control.

Two additional elements, though in themselves not fire hazards, pertain to the general subject of fire control. The first is that the loss of life can be materially decreased by providing means of escape in case of fire. First-aid equipment with which to fight a fire in its early stages has prevented many serious blazes; this is the second element. Both of these lend themselves ideally to regulation by the fire-preventing agency.

SPECIFICATIONS FOR "STANDARD CONDITIONS"

What is meant by control and how is it obtained? Experience has demonstrated that adherence to certain formulas will materially decrease the number of fires and the losses sustained. These formulas are currently known as "standard conditions." Compliance with them is a sort of insurance or protection to the individual, minimizing the opportunity for suffering losses. Specifications for standard conditions have been developed by fire engineers both in this country and abroad, and have reached a high state of perfection for many articles. Both public and private agencies have been instrumental in drafting them after extensive research and experimentation. The most conspicuous agencies in this field in the United States are the National Board of Fire Underwriters; National Fire Protection Association; Bureau of Standards, U. S. Department of Commerce; U. S. Department of Agriculture; several municipal bureaus of fire prevention, such as in New York City, Newark, Cleveland and Hoboken; several of the mutual insurance associations and insurance rate-making organizations; and a few associations of manufacturers of such materials as cement, lumber, and explosives. The National Fire Brigade Association of London and the Royal Commission on

Fire Brigades and Fire Prevention in Glasgow have done excellent work abroad.

An idea of the variety of subjects on which recognized standard specifications have been adopted can be gained from the imposing list of technical treatises published by the National Fire Protection Association and by the Underwriters as well. Hundreds of subjects have been dealt with, ranging from fire ordinances for theaters to pulverizing fuel systems for manufacturing plants. Building and electrical wiring codes have been compiled. The 100 per cent water supply system has been developed against which municipal systems can be measured. Known successful and fool-proof fire-fighting apparatus is dealt with in the specifications. One would think, when looking over the lists, that almost everything pertaining to fire protection has been carefully studied.

ENFORCEMENT OF STANDARDS A GOVERNMENTAL FUNCTION

Control of fire hazards is obtained when a municipality, county, or state demands that its citizens comply with previously adopted standards. The requirements should not be discriminatory, but should apply to all with equity. Partial enforcement is decidedly unjust, as it penalizes the one who complies, and at the same time subjects him to risk of exposure from fire occurring on the premises of a neighbor who has not so complied with the standard specifications. The essence of control is that regulations must be rigorously enforced—not spasmodically, but continuously.

Subjugation of fire hazards necessarily devolves upon governmental units. Someone must be charged with the duty of enforcing the regulations demanded in the standard specifications. Individuals, of their own accord, will adopt in varying degrees the recommendations of fire engineers, but it is not a function of private agencies to oversee and to enforce the minimum standards which have been adopted as a part of public policy. In the case of municipalities, the logical controlling agency is the fire department, whereas the fire marshals' division is the agency when a county or state attempts such control.

FIRE PREVENTION METHODS

There are two general methods by which control can be obtained. The first is by enforcing minimum provisions established by law. The second method is by continual and periodic inspections of all premises, with the exception of dwellings.

Legal enforcement of recognized practices presupposes at once the existence of codes of standards for such subjects as zoning, electric wiring, building construction, and fire prevention. This control prevents the creation of a hazard in the first instance. It is obtained when various bureaus or divisions of the city government see to it that all citizens comply with the regulations of the several codes. Enforcement of fire prevention laws and ordinances that are supplementary to other governmental functions is an indirect control calling for close coöperation with the fire department.

On the other hand, making of inspections for the discovery of hazards is a direct function of the department. This work is not new, yet a systematic and thorough inspection of all buildings other than dwellings, using report cards, rating dangerous conditions, follow-up inspections, and recommending improvements, is a rather new departure for most cities. True, many fire departments do currently have their uniformed men make inspections of down-town buildings. Frequency of inspection ranges from once a year to once a week. It is sad but true that the average inspection is cursory only and affects but a small percentage of the buildings in a city. A few fire chiefs require their men to visit the larger buildings to become familiar with structural divisions so that fighting a fire can be done with previously-acquired knowledge of inside conditions. Such inspectors are on the outlook for fire hazards as well, but this is only a secondary consideration. Work of this nature is a step in the right direction and should be commended.

It can justly be said that there are only a handful of cities in our country that employ the inspectional method of control with any degree of thoroughness and effectiveness. However, the new trend in making more systematic inspections is exemplified in such cities as Schenectady, Fresno, Newark, New Rochelle, New York, and Los Angeles. Here bureaus of fire prevention are maintained and are manned by well-trained inspectors. Necessary fire laws give authority and legal backing to their work.

ROUTINE INSPECTIONS

But the inspections, as generally carried on by these cities, are of only one type. There is another type which can be more appropriately called a major or technical inspection, whereas the former are better known as routine inspections. The difference between the two lies in the type of hazard that is to be controlled. Routine inspections by their very name indicate continual visits to all buildings (except dwellings) to ferret out the minor and common dangers resulting largely from the human and moral hazard. It involves continual check-up on the management of an occupancy to safeguard not only himself but his neighbor as well.

The objects for which the routine inspector looks are principally those arising out of violations of the fire-prevention code. Naturally he will have little discretionary power. On the other hand, major or technical inspections are made so that ways and means, in the larger sense, are discovered to minimize the dangers from fire. Such a survey involves a minute analysis of all structural features and occupancy conditions, as well as exposure hazards from adjacent buildings. Internal protection for handling fires in the incipient stage, as well as demanding adequate means of escape, is the fourth element to be included. The work necessitates a corps of fire engineers technically trained, rather than firemen from the station houses. When all existing facts about a building are noted and analyzed with care, then intelligent recommendations can be made to lessen the fire hazard. Recommendations are discretionary in character, inasmuch as they are the collective opinion of trained engineers who have learned through experience that fire risks can be minimized when similar measures are put into effect. They differ from demands to make safe, which are issued because of violations to the law, as found in the case of routine inspections. Major surveys will not usually be made more than once in three to five years for each building.

THE IMPORTANCE OF A FIRE PREVENTION BUREAU

From the foregoing analysis, we find that there are two active and direct methods of controlling fire hazards: the enactment and enforcement of laws and ordinances to prevent the creation of hazards; and routine and major inspections to discover and correct those that are already in existence. The local controlling agency to oversee the first method, as well as to carry on both classes of inspections, is the fire department, in which there is a bureau of fire prevention as the operating or working unit. A separate division is needed for prevention so that conflict will not arise with those who are responsible for the fire-fighting branch of the work. Thus two divisions, separate and distinct, with the fire chief in command of both, will now be found in the up-to-date departments.

Since the bureau of prevention will be held responsible for every fire that occurs, its duty, therefore, is to control the fire hazards within the city so that the very minimum number break out. Responsibility should also be held jointly with the fire-fighting branch in the control of the spread of a fire once it has started. Extinguishing the fire is the last job to be done.

The neglect of fire prevention work by the fire departments defeats the very purpose for which they are maintained, that is, to prevent loss through fire. On the other hand, promising results are in store for the departments adopting the poignant adage "prevention is better than cure." Mention has already been made of a few municipalities that are pioneering in an endeavor to curtail losses by controlling fire hazards and thus preventing fires. A fine example can be cited of success in prevention work obtained several years ago in Portland, Oregon, when that city was faced with an increase in insurance rates because of rising fire losses. After a systematic approach to the problem, losses in Portland were so reduced that the insurance companies removed their threatened ban upon writing new policies.

Observation of the changing ideas in fire protection in the United States leads to the conclusion that fighting a fire is not all that is involved. In fact, there are sound arguments supporting the contention that this function of municipal government should take second place, giving way to activities of fire prevention. In any event these two should be balanced and considered of equal importance. A simple and logical way to bring this about is by establishing a fire-prevention bureau within a fire department, putting both divisions—prevention and fighting—under the control of the chief.

THE ASSESSMENT OF REAL ESTATE AND BUILDINGS IN ROCHESTER, N. Y.

BY HAZEN C. PRATT

Rochester Bureau of Municipal Research

The adoption of up-to-date methods has given Rochester a scientific and equitable assessment system. :: :: :: :: :: :: ::

PREVIOUS to January 1, 1928, assessments in Rochester were made by a board of four elected assessors. Properties were viewed from the street and assessments were written in the rolls according to an assessor's judgment based on the appearance of the various properties. The great majority of assessments were carried on unchanged from one annual roll to another except for occasional flat increases in all assessments to take care of rising property values. Large factory and office buildings were inspected, inventoried, and appraised by engineers employed by the city. With the exception of these buildings, no particular records were made of the properties assessed other than the brief listing in the rolls. Assessments were based almost entirely upon the assessor's unsupported judgment.

THE NEW PROCEDURE

Some years ago, the board of assessors resolved upon a thoroughgoing installation of the most modern assessment methods and secured the necessary appropriations. Definite rules are now established for determining the value of any plot of land or the value of any ordinary type of structure. As the rules are applied alike to all properties, impartiality and equity in assessments is secured. The property owner, by reference to the published rules, may determine his assessment and arrive at the same result as the assessor.

For the assessment of land, a tax map of the city is provided. This gives the exact dimensions of every lot and parcel of land within the city. Land values on various streets and portions of streets are expressed in dollars per front foot, and this information is entered on a land value map. Rules stated in the published *Rochester Assessment Manual* determine the assessment of any lot, no matter what size or shape, from its dimensions as given in the tax map and from the front foot value of land as given in the land value map for the location.

For the assessment of houses and buildings, the *Manual* gives over one hundred photographic illustrations of typical structures, together with a statement of the assessable value per square foot of each type. On a detailed field survey, each house or building is measured, is classified according to illustrations of similar structures in the *Manual*, and its value is determined by multiplying its area by the dollars per square foot stated in the *Manual*.

A detailed description of each structure assessed and all calculations leading to either land or building assessments is kept for each property on a card known as the data card. Every taxpayer is privileged to examine these cards and to see exactly how his assessments and the assessments of his neighbors were determined.

TAX MAP

For purposes of the tax map, Rochester, a city with an area of 34.2 square

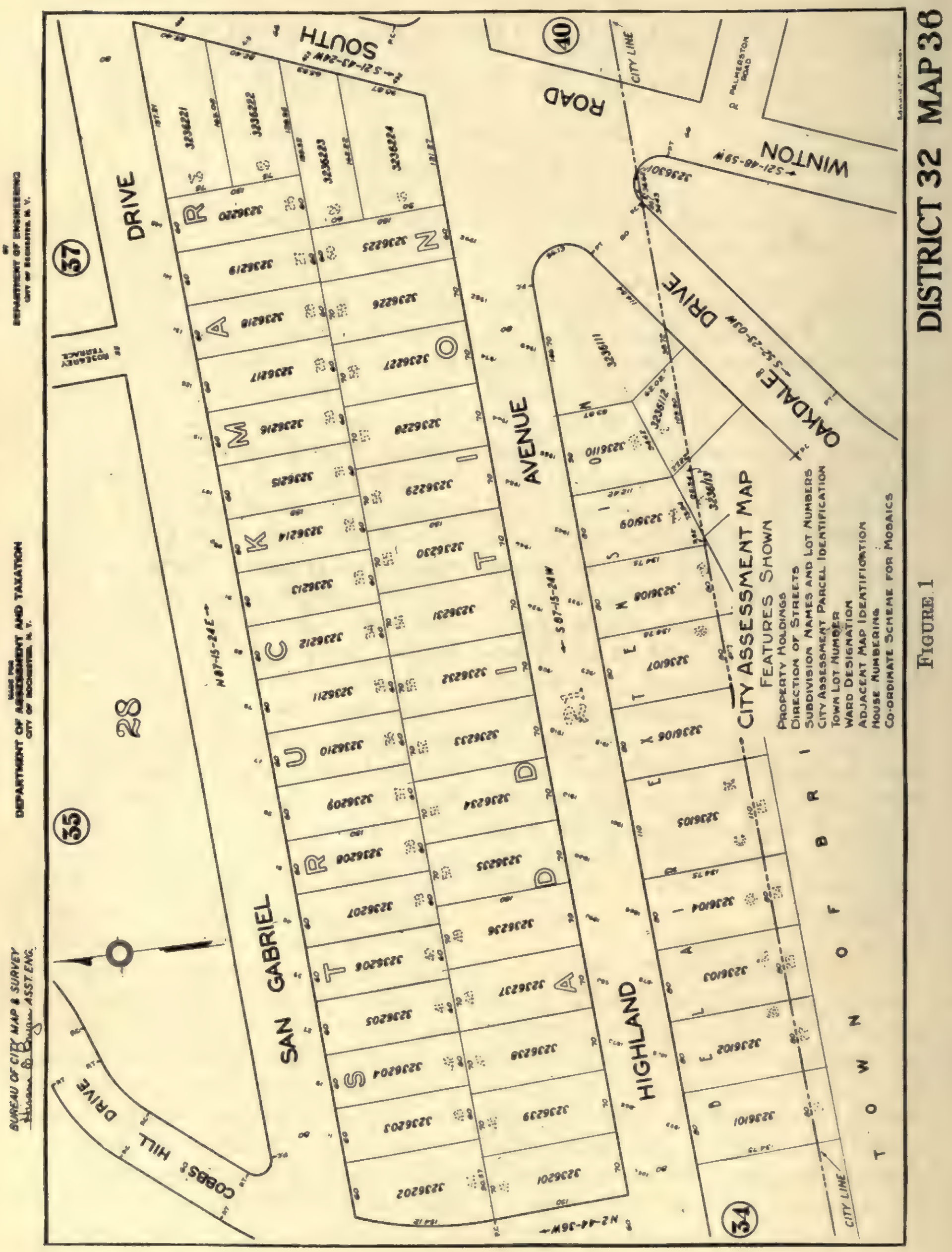

DISTRICT 32 MAP 36
CITY ASSESSMENT MAP
FEATURES SHOWN
Property Holdings
Direction of Streets
Subdivision Names and Lot Numbers
City Assessment Parcel Identification
Town Lot Number
Ward Designation
Adjacent Map Identification
House Numbering
Co-ordinate Scheme for Mosaics
SAN GABRIEL DRIVE
HIGHLAND AVENUE
OAKDALE DRIVE
WINTON ROAD SOUTH
COBB'S HILL DRIVE
CITY LINE
TOWN OF BRI
28
21
37
35
40
34
MADE FOR DEPARTMENT OF ASSESSMENT AND TAXATION CITY OF ROCHESTER N.Y.
BY DEPARTMENT OF ENGINEERING CITY OF ROCHESTER N.Y.
BUREAU OF CITY MAP & SURVEY ASST. ENG.

FIGURE 1

miles, is divided into 33 tax map districts of approximately equal area, as illustrated by Figure 1. These are numbered consecutively from 1 to 36, with even numbers on one side of the Genesee River, which roughly bisects the city, and odd numbers on the other side. Within each map district, the city map is drawn on approximately 40 sheets, 21 by 30 inches in size to a scale of 50 feet to the inch. These sheets are also numbered and include from one to three entire blocks of the city in such fashion that every block is shown in its entirety on some sheet of the map. Within the sheets, which are called maps, the blocks are numbered and all lots within each block are numbered consecutively. The legal number for each lot for tax purposes includes the map district number, the map number, and the block number as well as the particular number of the lot within the block. For example, lot No. 25-02-1-07 is lot No. 7 in block No. 1 shown on map No. 2 in map district No. 25. On map No. 2 the plan of this lot is shown with all dimensions, together with the information that it is formed from parts of lots 88 and 89 of the West Avenue subdivision. Index maps are provided for the entire city and each map district. Any property may be readily located by reference to these indices and its city map number may be ascertained by inspection of the proper map sheet.

City map numbers, once assigned, are permanent and do not change as is the case with street names and street numbers; nor are they affected by divisions, additions and subdivisions of property. A simple means is thus provided for permanently identifying each property without need for lengthy legal description, reference to the thousand and one unrelated subdivision titles, or listing the additions and subtractions of portions of lots which have all been previously necessary. The tax map is kept constantly up to date and no effort is spared to keep it accurate.

A transcript of the property description is taken when every deed is recorded. These are scrutinized to discern whether any changes are made in property lines and, if changes are made by such property transfers, lines on the city map are immediately changed to correspond. Lot No. 2502107, to which a five-foot strip from a neighboring lot was added by a deed recorded yesterday, is changed on the city map today from a fifty to a fifty-five-foot width as lot No. 2502107.1. Lot No. 2502123, which was divided into two lots yesterday, is carried today on the city map as two lots of numbers 2502123.1 and 2502123.2.

The tax map provides the city with the first complete, reliable, and up-to-date record of lot dimensions. In preparing this map, the city spent several hundred thousand dollars in surveying all doubtful property lines, locating street lines, taking transcripts of all deeds, and drawing the map. The map numbering system will be of great advantage to property owners and lawyers in transferring property. The location of street lines, monuments, and landmarks in the map will assist in planning street and public improvements.

LAND VALUE MAP

Thirty-three maps covering the area of the city (similar to the map district index maps described above) are used to record land values, as illustrated by Figure 2. These are stated in dollars per front foot to a uniform depth of 100 feet in business districts, and to a depth of 120 feet in residential districts. Values are determined after conferences with real estate men and owners buying property and are generally set down on the map opposite each block in each street. The values, as tentatively assigned, are subject to criticism before confirmation. As the values are expressed in a simple common unit of measure (the 100- or 120-foot strip, one foot wide), they may easily be compared to see that one district is not benefiting at the expense of another.

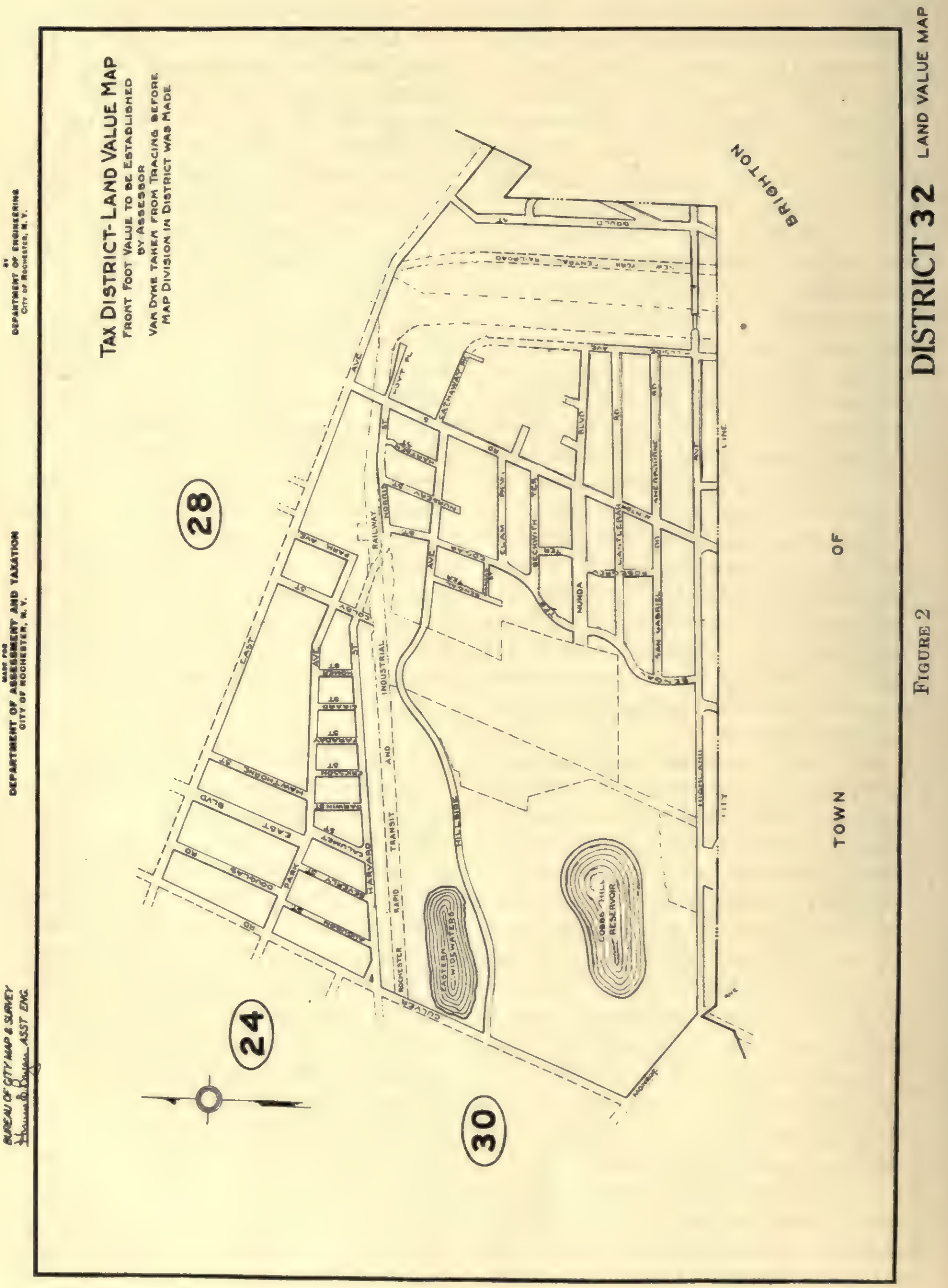

Tax District-Land Value Map
Front Foot Value to be Established by Assessor
Van Dyke Taken from Tracing before Map Division in District was Made
Made for Department of Assessment and Taxation City of Rochester, N.Y.
By Department of Engineering City of Rochester, N.Y.
Bureau of City Map & Survey
Asst Eng.
DISTRICT 32 LAND VALUE MAP
28
24
30
Town of Brighton
City Line
East Ave
East Blvd
Park Ave
Colby St
Hawthorne St
Douglas Rd
Harvard St
Rochester Industrial and Rapid Transit Railway
Eastern Wide Waters
Cobbs Hill Reservoir
Culver Rd
Hillside Ave
Highland Ave
Monroe Ave
Gould St
New York Central Railroad
Norris St
Beckwith Ter
Nunda Blvd
San Gabriel Dr
Cathaway Rd
Elam Pkwy
Hoyt Pl
Cedar

FIGURE 2

LAND ASSESSMENT RULES

Rules for the assessment of lots and parcels of land from the basis of the land value map are given in the *Assessment Manual*, together with appropriate explanations and examples. The *Assessment Manual* is published by the city and supplied free of charge to any taxpayer. The rules are quite simple and may be applied by any person with moderate intelligence.

It is recognized that urban property owes its value chiefly to its access to streets. Shallow lots accordingly become more valuable per unit of area than deep lots of the same frontage, because, generally speaking, only one house or building may be placed on a lot, regardless of its depth. The unit of area, therefore, becomes valueless for purposes of comparison, and recourse must be had to some table to tell how a shallow lot compares in value with a deep one. This table is called a depth table and gives factors or fractions opposite each foot of depth from 1 to 500. A factor is selected from the table according to the depth of the lot. In the case of rectangular lots or parallelograms, this factor, multiplied by the frontage and by the unit value per front foot taken from the land value map, gives the assessable value of the lot.

In the case of triangular lots with base at street line, the factor for one-half the depth is used. If the apex is at the street line, the difference between factors for the full depth and one-half the depth is used. Lots of any conceivable shape may be divided into rectangles, parallelograms, and triangles by division lines. In such irregular lots, each constructive figure is calculated as though it were a separate lot. The sum of the results gives the proper value for the entire lot.

Tables are also provided in the *Manual* to allow for the increased value which corner business lots have over inside lots by reason of their location. This depends on the relative value of the intersecting streets. Allowance is also made for added value by reason of adjacent alleys. A percentage of the previously calculated lot value is added, according to the width of the alley and whether alongside or in the rear.

TABLE OF HOUSE AND BUILDING VALUES

In the *Manual* are given photographic illustrations of typical single houses, Boston flats, double houses, four-family houses, semi-detached houses, stores, apartment houses, and garages. Within each of the above mentioned classes of structures, there are from two to fourteen divisions arranged progressively according to relative value. Under the illustrations for each division, a description is given in tabular form serving further to identify the class of structure for which a value is stated. The values are stated in a table for one, two, three stories, etc., and for shingle, stucco, brick or stone construction, etc. Practically all values are stated in dollars per square foot for structures of a certain specified height. Cubic foot figures are not used in the simpler structures, but single and double garage values are stated in lump sums.

A number of illustrations are given of each type of structure for which a value is stated. Comparison of several illustrations, all picked to represent the same class of value, makes it more apparent that it is the grade and costliness of construction which is represented rather than a particular style of architecture or condition of repair.

HEATING, PLUMBING, AND EXTRA ROOMS

The tabular description given for each class of structure in the *Manual* lists the type of heating installation, number of bathrooms, grade of plumbing, etc., commonly observed in structures of this class. If a house or building to be assessed plainly falls within a certain class in the *Manual* except in respect to number of bathrooms, type of heating or some other factor, allowances are made for such deviations from standard according to tables given in the *Manual*. Rules are given also for figuring the values of porches, sun porches, attached garages, and finished rooms in attic or cellar.

The values expressed in the *Manual* were set after gathering cost data for a large number of houses and buildings from architects, contractors, and builders of Rochester, classifying and comparing these, and reducing the figures obtained to a conservative average. Costs on heating, plumbing, roofing, excavation, etc., were obtained from firms specializing in such work and the average costs of several firms were used in each case to build up the tables presented in the *Manual* for deviations from the standard in such matters.

FIELD SURVEY OF HOUSES AND BUILDINGS

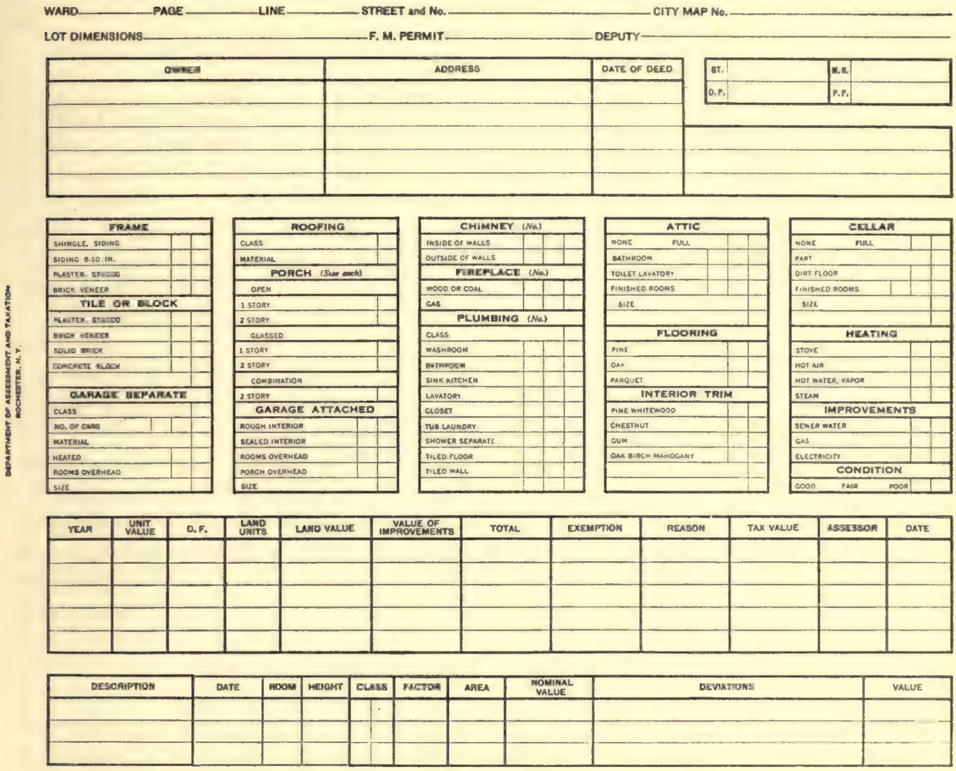
Thirty men have been employed in the field, in teams of two each, measuring all houses and small buildings, and calculating their values according to the *Manual*. The interiors of practically all houses and buildings are inspected by these field men. Power of law is not invoked to secure admission. The householder is merely requested in the interests of fair assessments to allow the interior of his house to be inspected, and no penalty follows refusal. In only a few isolated instances, however, has admission been refused.

Following inspection of the interior and the exterior of a structure, it is classified by the field men according to illustrations and descriptions of similar structures given in the *Manual*. This, together with height and material of construction, sets the unit value in dollars per square foot. Multiplication of the area of the structure (as determined by its measured dimensions) by this unit value gives a nominal value for the entire structure. The field men then subtract from or add to this nominal value allowances for deviations from standard or depreciation, and report the result for assessment.

A complete field survey is made every five or ten years. In the meantime the majority of structures are continued on the rolls without change in assessment except as may be allowed for depreciation, obsolescence, or appreciation. New constructions are inspected and appraised each year as these are built. The bureau of buildings keeps the assessor informed of all new constructions, alterations or demolitions. In Rochester, with a hundred thousand odd items of property, it took a force of thirty men about a year and a half to make a complete field survey of all houses and small buildings. Large buildings and factories are separately inspected and appraised by properly qualified consulting engineers.

DATA CARD

The results of the calculation of land values and the field survey of buildings are expressed on data cards. These cards, 9 by 11½ inches in size, carry complete descriptions of houses or buildings assessed and all calculations, whether for determining land or building assessments, systematically arranged (Figure 3). On the back of the card a diagram of the lot is made, if the lot is irregular, and a sketch of the ground floor area of the structure is also given. On the face of the card are spaces for entering five successive names of owners (in cases of transfer of properties), tables to check off descriptions of buildings, spaces for calculating and recording five successive assessments of land and buildings, and



DEPARTMENT OF ASSESSMENT AND TAXATION
ROCHESTER, N. Y.

WARD ________ PAGE ________ LINE ________ STREET and No. ____________________ CITY MAP No. ________

LOT DIMENSIONS ____________________ F. M. PERMIT ____________ DEPUTY ____________

OWNER	ADDRESS	DATE OF DEED

ST.		M.R.	
D.P.		P.P.	

FRAME		
SHINGLE, SIDING		
SIDING 8-10 IN.		
PLASTER, STUCCO		
BRICK VENEER		
TILE OR BLOCK		
PLASTER, STUCCO		
BRICK VENEER		
SOLID BRICK		
CONCRETE BLOCK		
GARAGE SEPARATE		
CLASS		
NO. OF CARS		
MATERIAL		
HEATED		
ROOMS OVERHEAD		
SIZE		

ROOFING	
CLASS	
MATERIAL	
PORCH *(Size each)*	
OPEN	
1 STORY	
2 STORY	
GLASSED	
1 STORY	
2 STORY	
COMBINATION	
2 STORY	
GARAGE ATTACHED	
ROUGH INTERIOR	
SEALED INTERIOR	
ROOMS OVERHEAD	
PORCH OVERHEAD	
SIZE	

CHIMNEY *(No.)*			
INSIDE OF WALLS			
OUTSIDE OF WALLS			
FIREPLACE *(No.)*			
WOOD OR COAL			
GAS			
PLUMBING *(No.)*			
CLASS			
WASHROOM			
BATHROOM			
SINK KITCHEN			
LAVATORY			
CLOSET			
TUB LAUNDRY			
SHOWER SEPARATE			
TILED FLOOR			
TILED WALL			

ATTIC		
NONE FULL		
BATHROOM		
TOILET LAVATORY		
FINISHED ROOMS		
SIZE		
FLOORING		
PINE		
OAK		
PARQUET		
INTERIOR TRIM		
PINE WHITEWOOD		
CHESTNUT		
GUM		
OAK BIRCH MAHOGANY		

CELLAR		
NONE FULL		
PART		
DIRT FLOOR		
FINISHED ROOMS		
SIZE		
HEATING		
STOVE		
HOT AIR		
HOT WATER, VAPOR		
STEAM		
IMPROVEMENTS		
SEWER WATER		
GAS		
ELECTRICITY		
CONDITION		
GOOD FAIR POOR		

YEAR	UNIT VALUE	D. F.	LAND UNITS	LAND VALUE	VALUE OF IMPROVEMENTS	TOTAL	EXEMPTION	REASON	TAX VALUE	ASSESSOR	DATE

DESCRIPTION	DATE	ROOM	HEIGHT	CLASS	FACTOR	AREA	NOMINAL VALUE	DEVIATIONS	VALUE

FIGURE 3

spaces for calculating building values, together with other information. The data cards are taken into the field by the field men on making a survey and descriptions of buildings assessed are entered while they are on the job.

The data cards are invaluable to the assessor: first in presenting a complete record of all steps taken in arriving at assessments; and second as serving to convince a complainant that a real study was made of the assessment of his property, that the assessor really knows something about the property in question, and that the assessment is fair in comparison with others and was arrived at by the use of fair and impartial methods.

A REJOINDER ON THE RELATION OF BUILDING HEIGHT TO STREET TRAFFIC

BY ERNEST P. GOODRICH

Consulting Engineer, New York City

A noted city planner takes exception to Dr. Simpson's article in our July, 1928, issue. :: :: :: :: :: :: :: ::

IN the July, 1928, issue of the NATIONAL MUNICIPAL REVIEW was an article on "The Relation of Building Height to Street Traffic,"[1] which contains a surprising conclusion, obviously based on a fallacy. The error is apparent to anyone accustomed to working in such matters. In the last paragraph of the first column on page 418, a very clearly defined problem is stated. Together with certain obvious implications, it may be restated as follows:

In the down-town district of a city which now is built up solidly with ten-story buildings, separated by seventy-foot streets "between building lines" with ten-foot sidewalks on both sides, care is being taken of the pedestrian and vehicular traffic in a satisfactory manner. Let it be assumed that the district, in question, comprises four blocks each 200 feet square on the building lines. Let it further be assumed that the pedestrian approach to this four-block district occurs at each corner of the district in equal quantities and distributes itself throughout the district in an absolutely symmetrical manner, each eighth of which is precisely like Figure 3, page 411. Let it further be assumed that these pedestrians arrive so nearly simultaneously that they exactly fill the sidewalks immediately adjacent to each corner of the district when moving at a normal speed, so that any increase in the pedestrian density would be impossible, provision being made for increased traffic either by sidewalk widenings or delays on the part of some pedestrians in reaching the center of each block adjacent to each entrance corner of the four-block district. Let it also be assumed that if and when the buildings are increased in height, the same unit of floor space will be occupied by each building occupant irrespective of building height.

The total occupancy of the district will then be equal to the number of blocks multiplied by the floor area per block, multiplied by the number of stories, divided by the unit occupancy per office worker. Since there are four points of entry to the district with eight routes (all assumed to be equally used), the total number of pedestrians which will pass anyone of the eight symmetrically-placed congestion points will be the above figure divided by eight. It is further assumed, that an increase of building height will be accompanied by an increase in width of sidewalk, "secured by a diminution in block dimensions between building lines" to such an extent as to permit the total new number of pedestrians to arrive at their offices in the same time interval as had occurred with the ten-story building occupants, and at the same average walking speed. Sidewalk capacity must be measured by velocity, multiplied by a density factor, multiplied by time, multiplied by sidewalk width.

---

[1] Pp. 405-418.

SIDEWALK WIDTH, THE VARIABLE FACTOR

Since the whole analysis omits consideration of a time factor with reference to movement into areas of equal size, and since it is unreasonable to assume any different velocity or density factor with different building heights, the only variable in the above formula is the sidewalk width. If it is assumed that twenty per cent of the traffic is of the through type when the buildings are ten stories high, it may or may not happen that the through traffic increases when an increase in building height takes place. If such an increase does occur, so that the same percentage exists, then the exact percentage may be omitted from consideration except that, when the width of the sidewalk has been determined for the local traffic, it can be widened proportionally to provide for the through traffic. On the other hand, if through traffic remains constant in quantity (obviously declining in percentage), then all that is necessary is to compute the actual width of walk required to accommodate the through traffic and add such constant sidewalk width increment to the variable width computed to provide for the variation in building height. In the case assumed, a twenty per cent ratio of through to local traffic was assumed under the condition when ten-foot sidewalks are provided. This means that two out of ten feet (ignoring such obstructions as hydrants, poles, show-windows, and shoppers gazing into them) is to be set aside for through traffic. This leaves a width of eight feet available for local pedestrian use.

A SUGGESTED EQUATION

The easiest way to study the matter further is by means of the following simple equation: (the length of a side of a city block multiplied by itself, times the average building height in stories, times the number of blocks in the district) divided by (the unit of area occupancy per office worker, times the number of lines of flow from the entrances to the district) equals (the width of the sidewalk at the point of greatest use, times a density factor, times velocity of pedestrian travel, multiplied by the time interval assumed for the office workers to pass through an entrance to the district). Put into algebraic form this equation becomes

$$\text{(a)}\quad \frac{NHS^2}{CU} = KVTW$$

where N = the number of blocks in district considered.
H = the average building height in stories.
S = the side of a building block (assumed to be square).
C = an occupancy factor.
U = the number of lines of flow at all entrances.
V = the pedestrian velocity.
T = the time interval for the pedestrian traffic to move.
W = sidewalk width for local traffic.
K = a sidewalk density factor.

If it is assumed that N, C, U, K, V, and T remain constant, then if H is increased, W must be increased, S remaining constant or being decreased according to whether the sidewalk widenings can be made by narrowing the vehicular roadway or by reducing the block sides. In other words the equation becomes

$$\text{(b)}\quad \frac{N(H+B)(S-A)^2}{CU} = KVT(W+A)$$

where A = the increase of sidewalk width.
B = the increase of height in stories.

In order to compute the effect which a change in building height will have upon sidewalk width, it is only necessary to divide equation (a) by equation (b), member by member. This gives

$$\frac{HS^2}{(H+B)\ (S-A)^2}=\frac{W}{W+A}$$

from which $H+B=\frac{(W+A)\ HS^2}{W(S-A)^2}$

It is often possible to widen the sidewalk without diminishing the block sides. Under such conditions

$$H+B=\frac{W+A}{W}\ \frac{HS^2}{S^2}$$

from which $B=\frac{AH}{W}$

Since H and W were the initial building height and sidewalk width respectively, and do not change, it is seen that the additional sidewalk width is proportional to the additional building height.

LENGTH FACTOR IS CONSTANT

Going back to the equation which includes $(S-A)$, it is easy to substitute in that formula the numerical values employed in the article under criticism, and to solve the resulting quadratic equation for the additional width of sidewalk required. It is evident that the answer will not be the same. If "sidewalk area" is introduced into the original formula in place of width only, then the length factor (which multiplied by the width gives the area) will obviously remain constant under any assumption which does not increase the number of building blocks but involves only changes in building heights. Under such circumstances, the length factor will cancel out when equation (a) is divided by equation (b), member by member.

The fallacy in the reasoning in the original article is the application of a perfectly correct arithmetical area average, under the assumptions made, to an entirely inapplicable practical maximum width condition. No engineer would design a bridge for the average load moment, nor would a competent city planner determine the width of a street or sidewalk for average traffic conditions.

RECENT BOOKS REVIEWED

THE COLLECTION OF GENERAL PROPERTY TAXES ON FARM PROPERTY IN THE UNITED STATES, WITH EMPHASIS ON NEW YORK. By M. Slade Kendrick. Bulletin No. 469. Cornell University Experiment Station, Ithaca, N. Y., June, 1928. Pp. 51.

"Can the $845,000,000, or more, of farm general-property taxes gathered annually in the United States be collected more efficiently than it is now collected?" This study endeavors to formulate an answer to this question. The result is a series of significant statistical comparisons on the costs of tax collection in various parts of the United States in relation to the administrative units for collection, the collecting officials, and the methods of paying the tax-collecting official.

A major feature of this report is the convincing and conclusive evidence it supplies to show that the collection of general property taxes on farm property on the fee basis is inordinately expensive in contrast with the collection of such taxes on the salary basis. Equally significant is the comparison of the cost of county-treasurer collections in other states with the cost of town and school district collections in New York. "Not only is the local collection-fee system in New York costly when compared with the county-treasurer system, but, unlike the county-treasurer system, it permits no savings with increased collections."

The general conclusion of the study is that a general adoption of the system of county-treasurer collection of taxes, with the treasurer on a salary basis, would lower costs in most of the 28 states which do not have this system of collection. This investigation gives evidence of conscientious and painstaking research. It furnishes valuable material for students of financial problems of local rural government.

MARTIN L. FAUST.

✣

THE CLASSIFIED PROPERTY TAX IN THE UNITED STATES. By Simeon E. Leland, Ph.D. Boston and New York: Houghton Mifflin Company, 1928. Pp. xiv, 492.

Dr. Leland has written *the* book on the classified property tax. He traces the historical development of classification, tabulates and analyzes the results which have been achieved and presents the *status quo* of 1927 in complete detail. Many men in writing on special phases of public finance have eventually tricked themselves into a belief that the sun rises and sets within the confines of their subject. This is not Dr. Leland's attitude. His presentation of property classification as a phase of our evolution and as a part of the general tax systems of the states shows an honest and scholarly attitude. And, though he has convictions, he is not guilty of working up a propagandist zeal, nor of being unfair to those with whom he does not agree. While the book does not deal with the technique of administration, Mr. Leland recognizes the supreme importance of administration in the tax system. On the whole, our American economists have done rather better than our political scientists in acknowledging the refractive influence of administration upon institutions and theories. Some readers may desire a more profound theoretical analysis as a guide for future practical programs. Theory is not entirely neglected, but the structure of the book has been planned so as to emphasize laws, institutions, and arguments.

The book is well written, though hardly inspiring, and copiously annotated and indexed. The appendix is worth while and the bibliography quite complete—though one familiar with some corners of the field can find omissions. Dr. Leland's study will be of real value to professors and advanced students of public finance, and to legislative committees, tax commissions, and governors who are drawing programs of tax reform.

LUTHER GULICK.

✣

THE SAN MATEO-SAN FRANCISCO SURVEY, 1928. Compiled by the San Francisco Bureau of Governmental Research for the San Francisco Chamber of Commerce, 1928. Pp. 196.

Slowly we are moving toward the time when "political myths and economic realities" shall not be so divorced as they are today. This study is one step in calling the attention of the public to the fact that they are separated. With a make-up approximating the attractiveness of a popular magazine this study should gain an entrée into many homes and offices and when once a person looks inside, the use of photographs, charts, maps, and tables will keep him interested in a text which will tell him about almost every aspect of the local government under which he lives.

He will see that since he has moved from San Francisco into San Mateo County there have been thousands of others who have also moved, and they have carried with them the same tastes which they developed in the more urban environment. He will see that this has given rise to many problems of a governmental nature which can be solved only by coöperation between his former and his present homes.

He will find a patchwork of 71 units trying to govern his new home, with an antiquated county government, and a school system which can be named "system" only by courtesy. He will see that there are no adequate provisions for highways, no arrangement to stop the flow of over forty sewer outfalls along a bay about forty miles long, no sufficient fire or police protection, and no intelligent planning for the future development of the region.

By that time he will begin to wonder why something has not been done and what he can do. Then he will find concrete, detailed suggestions for a future form of government which will assure a centralized administration of common governmental functions and at the same time leave to the local communities all that local pride and local efficiency demand.

The proposal follows the general lines familiar to those interested in the unification of metropolitan areas by what is roughly known as the borough plan. The charter, to be authorized by the legislature, would meet objections now raised to San Francisco's city-county government, according to the survey. A manager is suggested as superintendent of operations. One feature which appears to be unique is that "cities voting adversely to consolidation would become independent units within boroughs established, with independent powers, but without the coöperative features borough government should provide for."

This survey does not attempt to be so impartial that it can offer no guide to future action; it is in favor of consolidation, it says so, and it tells why. But it gives those who think otherwise a most fair deal. It should serve as a guidepost for cities with similar problems.

CLARENCE O. SENIOR.

Adult Education Association, Cleveland.

RESEARCH IN THE HUMANISTIC AND SOCIAL SCIENCES. By Frederick Austin Ogg. (Report of a survey conducted for the American Council of Learned Societies.) New York: Century Company, 1928. Pp. 454.

This survey grew out of efforts to stimulate research in the humanities. In brief, this study proposed (1) to obtain a complete picture of present-day research; (2) to reveal obstacles to fruitful research; (3) to reduce the handicap from which the humanistic and social sciences have heretofore suffered through the too rigid separation of their various fields; (4) to assemble a body of data which could be made to serve as a starting point of concerted efforts to maintain hereafter a comprehensive record of research in these fields; and (5) to suggest more intensive study of particular research problems.

In order to prevent overlapping with other similar but less catholic investigations, particularly that undertaken by the Social Science Research Committee, it was early agreed that this particular survey would deal with the agencies and facilities for research and with some of their related problems, while the study of the Social Science Research Committee would deal primarily with methodology.

By its very title, this review of research has been limited to the fields of "intellectual endeavor represented by the fifteen societies affiliated in the American Council." This means that seven principal subjects are treated, namely, history, economics, political science, sociology, philosophy, philology, and archaeology. The editor points out that this delimitation ignores several correlated activities such as jurisprudence, education, psychology, etc., but that a limitation of time and resources made further study impractical.

Within the limitations mentioned, the discussion and enumeration confines itself to (1) research interests of the Learned Societies; (2) research in the universities; (3) research in colleges; (4) the activities of bureaus, foundations, and other special organizations; (5) the activities of a varied list of social and philanthropic reform agencies; (6) research by business firms; (7) research of the national government; (8) research by private individuals; (9) current tendencies and needs in research; (10) methods and amounts of assistance given by the great foundations; (11) fellowships, prizes, and grants in aid; (12) libraries as depositories of research material; and (13) the problem of adequate provision for prompt publication of research results.

In addition to being a thoroughgoing survey of social research, the volume stands as a monument to the painstaking labor of Professor Ogg.

LENT D. UPSON.

Detroit.

✣

THE NEW DAY IN HOUSING. By Louis H. Pink, with an introduction by Hon. Alfred E. Smith, Governor of New York. New York: The John Day Company, 1928. Pp. xiv, 208.

This volume reviews the development of the present housing situation in large centers in America and the steps taken to remedy conditions. It indicates that but little has been accomplished to solve the grievous problem of housing the lower economic groups. It is truly an urban treatise and from a New York point of view.

Considerable discussion as to important foreign experiments shows a tinge of approval with governmental participation in solving the problem. While there is a chapter on garden cities abroad, only two are described—Letchworth and Welwyn. Some of the other experiments are not mentioned. As to American experiments, only Mariemont is elaborated, but Sunnyside and Radburn come in for a little discussion. Nor is reference made to the work which has been done by large corporations in providing permanent accommodations for lease or sale, and in developing town sites. However, the many excellent apartment developments of philanthropic character or limited dividend arrangements, mostly in the vicinity of New York, which care for from a few hundred to a thousand families, are cited as notable contributions to the science of housing.

While everything else is being turned out in quantity, there has been no great movement to put the housing industry in line with the fabricated production of other fields. Residential buildings in American cities represent an investment of over $2,000,000,000 a year and, during 1927, in 302 cities, according to the Department of Labor, dwellings were erected for 418,878 families. From this it can be seen how small is the proportion of housings furnished by such notable examples as Mariemont, which even now houses only about 1,500 families.

As a member of the New York State Board of Housing and through other associations, the author has acquired an intimate knowledge of the several developments, particularly in New York under various forms of governmental aid. Much is expected in the future from proper legislative assistance, particularly by tax exemptions. No reference is made, however, to the work of the Federal Government in constructing houses and dormitories during the War. While some of these were developed in urban communities, many of them were of the garden city or satellite type.

As may be inferred from the provisions of the New York State Housing Law, set forth in the appendix, the solution sought for is the determination of some method of demolition of the "slums," either by excess condemnation, by police or health authority, or some method not yet developed. It is proposed to follow this by the erection of large tenements, with modern sanitation and conveniences, protected by proper planning and zoning, and the many other aids to housing, as set forth in the last chapter.

Mr. Pink's work is well written and is an interesting presentation of certain features of the housing situation. The efficiency of the book could be greatly increased by a complete index. It gives a brief history of the various steps, conditions and experiments which have led to the passage and administration of the New York housing law. As such, it is of greater interest to the New Yorker than to dwellers and students of other populated centers of the United States.

MORRIS KNOWLES.

Pittsburgh, Pa.

✣

ORGANIZATION AND OPERATION OF A MUNICIPAL BUREAU OF FIRE PREVENTION. By Harold A. Stone and Gilbert E. Stecher. Published by the School of Citizenship and Public Affairs, Syracuse University, 1927. Pp. 166.[1]

This book, one of a series of studies in public administration prepared under the auspices of the School of Citizenship and Public Affairs of Syracuse University, is written with the viewpoint of the public administrator constantly in mind. In fact, one who cannot visualize theory at work may find himself lost in the section which describes in minute detail the types of inspections, inspection card forms, office records, procedure, etc. All this, however, is set down in such a clear and orderly manner that in addition, all that is needed to put a real effective bureau

[1] See article by Harold A. Stone in this issue, pp. 82–86.

of fire prevention into active operation is enabling legislation and a will to discharge a serious and important responsibility. And the authors have not overlooked either of these two essentials.

Part I contains plenty of data which should furnish one with the will to act. Here the lack of balance between fire fighting and fire prevention is clearly illustrated. The records given of fire losses in the United States and foreign countries are rather convincing that prevention rather than the fighting of fires may be the solution.

Part II, devoted to the "solution of the problem," discusses the organization of a fire prevention bureau, the essentials of fire prevention codes and ordinances, police power and personal liability, and boards of appeals. The treatment accorded these important matters holds much of interest for anyone even remotely interested in the practical means of preventing fires.

Part III is the section already referred to, which explains clearly and concisely just how a bureau of fire prevention should be established and operated. The authors wisely point out and prescribe for the small as well as the big city, and for that reason the book has a general appeal.

The final chapter, entitled "The Creation of Public Interest in Fire Prevention," is an exposition of the two theories of reform applicable to the problem of fire prevention.

Everyone should be interested in reading certain parts of this book, and public officials charged with the safety of the life and property of their fellow citizens should be compelled to read it all and to start action upon at least some of its suggestions before receiving their next pay checks.

C. E. RIDLEY

*

WESTCHESTER COUNTY PARK COMMISSION. Sixth Annual Report for the Year Ending April 30, 1928. Published by the Commission, Bronxville, N. Y. Pp. 131.

For those who have travelled over the wide parkways of Westchester County, picnicked in one of the several spacious parks along the Hudson River shore, played golf on one of the many public golf courses distributed throughout the county, or spent an afternoon at Rye Beach on Long Island Sound, this report will bring up pleasant memories. The booklet is replete with views of scenery and improvements, some of which are under construction and others completed. Several "before and after" views add interest, and in the case of the Rye Beach development, amazement as well. The "before" picture of this recent improvement shows the steam shovels breaking ground after Labor Day in 1927, and the "after" view shows the board walk and bath house structure capable of accommodating 10,000 people, opening at the end of May, 1928. No less amazement is occasioned by the account and views of the work of piercing the 55-foot embankment carrying the six main line tracks of the New York, New Haven and Hartford Railroad, and the construction of a monumental arched masonry bridge under the railroad and spanning the newly completed Hutchinson River Parkway.

The page of charts near the beginning of the report indicates that during the four years immediately after the creation of the park system, the total assessed valuations of taxable property increased from slightly less than 900 millions in 1924 to over 1,300 millions in 1927. This increase is so pronounced in comparison with that of the years just prior to the creation of the park commission that one is compelled to conclude that such a large growth in land values has been due to the far-sightedness and the well-planned work of this commission. Other charts show that entirely apart from the creation of real estate values the park system is rapidly becoming self-supporting as to operating and maintenance expenses through income derived from rentals, concessions, golf courses, bath houses, swimming pools, and other recreational facilities.

The booklet is separated into five general divisions, as follows: reports of the commission, chief engineer and legal department, financial statements, real estate, and park laws. Anyone with a personal knowledge of the remarkably fine work being done by this commission in Westchester County can appreciate the difficulty of trying to convey that intelligence adequately by means of word and picture, but this excellent report succeeds in doing it in a capable and dignified manner.

C. E. RIDLEY.

JUDICIAL DECISIONS

EDITED BY C. W. TOOKE

Professor of Law, New York University

Special Assessments—"White Way" Lighting System as a Local Improvement.—In *Braydon* v. *City of Muskogee* (November, 1928), 271 Pac. 1006, the Supreme Court of Oklahoma has been for the first time called upon to pass directly upon the question as to whether an ornamental street lighting system, commonly known as a "white way," is a local improvement within the meaning of the constitutional provision permitting assessments for local improvements upon the property benefited.

The Court, in answering the question affirmatively, expressly followed the rule announced by the Supreme Court of Oregon in the case of *Fisher* v. *Astoria*, which has been previously discussed in this REVIEW,[1] and held that when the improvement is of special advantage to the particular locality and of a nature not common to the inhabitants of the city as a whole, the fact that it may incidentally benefit the entire city does not destroy its use as a foundation for local assessment.

It may be noted, however, that in *Braydon* v. *Muskogee*, the case under consideration, the charter of the city of Muskogee expressly authorized the city to provide by special assessments for special lighting districts, while in *Fisher* v. *Astoria*, where there was at the time no express power to delimit districts for such improvements, the city was held, aside from the curative effect of the subsequent amendment to the charter, to possess this power as incidental to its power to delimit districts for the improvement of streets.

*

Indebtedness—Attempt to Evade Constitutional Limitations.—Another attempt to evade by subterfuge the constitutional limitations upon indebtedness was presented recently before the Kentucky Court of Appeals in the case of *Jones* v. *Rutherford*, 10 S. W. (2d) 296. The city of Corbin, desiring to install an additional electrical power unit in its municipally owned and operated water and light plant, which it was unable to do by purchase without exceeding the municipal indebtedness permissible under the constitutional limitation, proposed to enter into a contract whereby it leased the electrical machinery for stipulated monthly rentals, with the option to purchase the equipment at the end of the term for the price of one dollar. As the municipality, under the proposed agreement, assumed to pay and was obligated for the entire contract price, so that it constituted a *present indebtedness* within the generally recognized rule[2] and as established by the Kentucky precedents, it was to be expected that the taxpayers' suit to enjoin the city from entering into the contract would prevail.

It is difficult to understand why municipal officials, notwithstanding the repeated judicial frustration of such attempts, will persist in entering into transactions of this transparent nature. In the present case the mode of procedure was especially questionable, as from the agreed statement of facts submitted it appeared that the city had a considerable income from its light and water plant which would have been available for the purchase of additional equipment, and this could have been accomplished without exceeding the debt limit by acquiring the plant in sections by the method approved and upheld in *Overall* v. *Madisonville*, 125 Ky. 684, 102 S. W. 278 (1907).

*

Municipal Ownership—Control of Rates by State Public Utility Commission Denied—In *Logan City* v. *Public Utilities Commission*, 271 Pac. 961, decided November 24, 1928, the Supreme Court of Utah holds that under the provision of the state constitution the commission has no authority over the operation or rates of any municipally owned plant. Section 29 of Article 6 provides that "the legislature shall not delegate to any special commission, private corporation or association any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, to levy taxes, to select a capitol site, or to perform any municipal function." Similar clauses are incorporated in the constitutions of Pennsylvania, Colorado and Montana. In Montana this precise question came up in the case of *Public Service Commission* v. *Helena*, 52 Mont. 527, 159 Pac. 24, and the court there held that the term "special commission" did not include a general commission established by the state to regulate public utilities.

---

[1] Vol. XVII, No. 11, p. 700, November, 1928.

[2] See note in NATIONAL MUNICIPAL REVIEW, Vol. XVI, p. 668, October, 1927.

The position of the Supreme Court of Utah as voiced by the opinions in this case is that Section 29 of Article 6 was inserted in the constitution of 1895 to secure absolute home rule in the matter of municipally owned public utilities, except so far as the legislature might act directly. The rate-making power is a high legislative power, and it seems absurd to assume that the limitation of its exercise through a general commission could have been in the minds of the people when they adopted their constitution, at which time such administrative agencies were unknown. The attention of the court does not seem to have been called to the historical argument against the construction it puts upon this clause. As a result of the decision, due to coördinate provisions against special laws, the legislature is precluded from exercising any control whatsoever over the rates of municipally-owned plants. Whatever may be said of the value of such a result, it is contrary to that reached by the courts of the other states, and seems to be opposed to the general canons of construction of legislative powers.

⁂

Zoning—Effect of Legislative Interference with General Ordinance.—An example of the unfortunate situations that may result from the interference of the municipal legislature with a general zoning ordinance by special amendments is found in the opinion of the Court of Appeals of Maryland in *Applestein* v. *Osborne, Inspector of Buildings*, 143 Atl. 666, decided November 16, 1928. The petitioner's predecessor in title in 1926 was twice refused a permit to erect a two-story building for store and apartment purposes in a restricted district, and the action of the building engineer was sustained by the zoning board of appeals and by the Baltimore City Court. In November, the city council passed an ordinance authorizing the erection of the building upon the site in question, and the owner immediately commenced construction. Upon the allegation that the owner had represented to the aldermen that there would be no opposition by the other property owners in the neighborhood, the council in February, 1928, repealed the ordinance. A bill by the owner to restrain the enforcement of the latter ordinance was dismissed, and later a permit was granted to erect a four-apartment building and the construction was resumed. After the building was completed the owner procured the introduction of another ordinance to authorize the use of the ground floor for stores, which was defeated. The owner later obtained a permit from the building engineer authorizing the use of the building for store purposes, but upon the appeal of protesting neighbors the zoning board of appeals, without taking any testimony and without assigning any reasons, reversed the order and disapproved of the permit. The owner then applied to the Baltimore City Court for a mandamus against the city officials to compel them to issue the permit. The Court of Appeals dismissed the action upon the ground that the petitioner's remedy was by appeal, and not by an application for mandamus.

The Maryland courts have limited the zoning power to cover cases where it appears from substantial evidence that the proposed use will create hazards from fire or disease and menace the public health, security or morals. The instant case illustrates the complications which are bound to arise under so limited an extension of the zoning power, where the majority of the community seek a real protection of their property values. The habit of some zoning boards of appeal, as in the instant case, to act arbitrarily also tends to defeat the proper enforcement of zoning provisions. In the contest in the instant case, the refusal of the board of appeals to act in a judicial manner will probably result in the establishment of the encroachment sought to be prevented.

⁂

Powers—Redelegation—Designation of Streets as Arterial Highways.—The general highway traffic law of the State of New York provides that "local authorities in cities and villages of the first class may by ordinance designate certain streets as main arteries of travel and require that all vehicles approaching a main artery of travel from an intersecting street shall, before crossing or turning into same, come to a full stop," and that "conspicuous signs or signals shall be displayed at all points where the rule prescribed by such an ordinance is to be observed." (Sec. 22, subd. 1-a, added by-laws 1926, c. 508.)

In pursuance of this authority the common council of the city of Binghamton by ordinance authorized the commissioner of public safety to post by legible signs marked "Stop" any street approaching a congested street intersection, and the defendant, who was charged with passing a sign so erected without coming to a stop, contested the validity of the ordinance on the ground that it was inconsistent with the statute. The question raised could hardly have been presented in a situation more clearly within the well-settled rules that the prescription of a method of exercise of the power precludes its exercise in any other manner, and that the exercise of any discretionary power cannot be redelegated by the agency to which it has been committed, and the city court of Binghamton, upon these grounds, properly dismissed the complaint.

However, it is noteworthy that the court considered the case "unique in that it has never been passed upon by the higher courts," and without "authorities covering the specific question here determined," and recommended an appeal because the question involved "is of extreme importance, and will come up before the police courts in practically all of the cities and villages of first class throughout the state where the ordinance as adopted is inconsistent to and does not comply" with the provisions of the statute involved. (*People* v. *Gorman*, 231 N. Y. S. 85.)

◆

Torts—Municipal Liability Under the Highway Law for Acts of Police Officers.—The rapidly spreading impression that the liability of municipal corporations in tort should be extended, and that their immunity from action for negligent acts of their officers and employees while engaged in the discharge of so-called governmental functions should be restricted has been reflected in the recent decisions of the courts of New York, extending the application of Section 282e of the highway law to situations where no common law liability exists. This section provides that "every owner of a motor vehicle operated on a public highway shall be liable and responsible for death or injuries to person or property resulting from negligence in the operation of such vehicle, in the business of such owner or otherwise, by any person legally using or operating the same with the permission, express or implied, of such owner."

In the November, 1927, issue, we reported the decision of the Supreme Court in *Jones* v. *Town of Clarkson*, 130 Misc. 57, 223 N. Y. Supp. 611, in which Justice Rodenbeck held that a town performing a governmental duty in repair of a highway would under this statute be liable for the negligent operation of a truck. In April, 1928, Justice Norton, of the Supreme Court, Niagara County, in *Kelly* v. *City of Niagara Falls*, 131 Misc. 934, 229 N. Y. Supp. 328, held that the statute covered the case of a police officer in his line of duty operating an automobile provided for his use by the city. In both these cases the court held that the statute was comprehensive enough to effect a change in the common law liability of municipal corporations.

In *Lacock* v. *City of Schenectady*, 231 N. Y. Supp. 379, decided by the Appellate Division, Third Department, the plaintiff's intestate was killed by reason of the negligence of a police officer, who was operating a motorcycle owned by the defendant city. In reversing the trial court, which had refused to grant a motion to dismiss the complaint, the court thus limits the application of the statute in question:

> In our opinion, this provision does not apply to municipalities when acting as agencies of the state. We have shown above the nature and extent of the immunity from action had by a city because of its acts, or the acts of its officers performed while acting as a state agency, in organizing and controlling a police force. An immunity so grounded admits of no exception other than the Legislature has enacted; it is not taken away by legislation not specific in its meaning. (Matter of Hoople's Estate, 179 N. Y. 308, 311, 72 N. E. 229.) While the state may give its consent to be prosecuted by action, a general statute, by implication, does not give the required consent. Such consent must be expressed in unequivocal language. Consent to the prosecution of a city for its acts or omissions when, as the agency of the state, exercising general governmental powers conferred upon it, must be expressed with like language. I do not find such language in this act. It seems absurd to say that the Legislature, by its general language in this section of the Highway Law, intended to change the long-recognized rules which have application here. "The thought behind the phrase proclaims itself misread when the outcome of the reading is in justice or absurdity." (*Surace* v. *Danna*, 248 N. Y. 18, 21, 161 N. E. 315, 316.)

These several opinions indicate not only a conflict in applying the canons relating to the interpretations of statutes, in which the appellate court seems to have the better of the argument, but also in the relative appreciation of the interests involved. The number of fatal accidents resulting from the operation of fire trucks at excessive speed through crowded thoroughfares during the past few months calls for some such extension of municipal liability as is sensed by Justices Rodenbeck and Norton. Evidently the reform can come only through legislation, but the conditions of highway traffic at least demand such action in the near future.

PUBLIC UTILITIES

EDITED BY JOHN BAUER

Director, American Public Utilities Bureau

Boulder Dam Bill Approved by President Coolidge.—The first tangible result of the recent presidential election—in which the problem of hydro-electric development was prominent—is the final passage of the Swing-Johnson Boulder Dam Bill, which was signed by President Coolidge on December 21, 1928. This authorizes an appropriation of $165,000,000 for the construction of a dam in the Colorado River, together with other developments for flood control, irrigation, and power developments in the area affected.

The precise plans, with all the details and specifications of what exactly will be done, have not been determined. The larger project depends still upon a compact to be signed by the particular states affected. It depends also upon the discretion exercised by the secretary of the interior, under whom the project will be developed. The dam itself, it is said, will be the highest that has ever been constructed; 550 feet above stream level. It will impound immense quantities of water—26,000,000 acre feet—and thus will not only regulate the floods to which the lower Colorado sections have been subjected, but provide water for irrigation and new development of fertile territories; and it will furnish hydro-electric development of 1,000,000 horsepower capacity.

The discretion of the secretary of the interior appears particularly in regard to power policy. The development itself will be financed and managed by the government. Apparently, also, the power plants themselves will be operated by the government. From then on, however, the bill permits alternative procedure; government operation of the system, or private operation upon conditions which will protect the public interest and assure low cost to the consumers. In fixing the exact terms, a clear conception of sound public policy is essential, if the advantages of public development at public credit are not to be lost to the ordinary consumer.

The special danger is that the contracts will rely upon the state machinery for ratemaking, which, in most instances, is not sufficiently effective to furnish the needed protection to the public. The great step, however, has been taken. The compact between the states will undoubtedly be speedily carried out; construction will be promptly started; and another great public project established. This is an immense step in "socialism,"—which may be somehow distinguished by the administration sponsoring it, but which, nevertheless, is a long departure from the "individualism" so emphatically sought by both outgoing and incoming presidents. Before many years, Americans of all shades of opinion will be proud of this collective enterprise. Obviously, however, this does not spell that all business should go socialist, or that all utilities should of necessity be turned over to public ownership and operation.

*

Super-Power Progress.—On January 10 public announcement was made of the organization of a new company which appears to move a long step toward a great super-power system under bankers' control. Through joint action of J. P. Morgan & Co., Drexel & Co., and Bonbright & Co., the United Corporation was organized under the laws of the State of Delaware.

This company will take over the stocks heretofore held by the American Superpower Corporation in the United Gas Improvement Company, the Public Service Corporation of New Jersey, and the Mohawk-Hudson Power Corporation, added to the stocks held by the organizers. It is estimated that the new company will own about a third of the common stock of the three large holding groups. While it is in the form of an investment company, it will bring about substantially unification as to policy and control of all the properties, said to be worth in the aggregate about $2,000,000,000. It is assumed that the new corporation will bring under its domination the generation and transmission of practically all the power in the central Atlantic states, from the St. Lawrence to the Potomac.

While the control thus indicated is enormous, it involves many other ramifications. It is closely identified with the Electric Bond and Share groups and the Mellon interests, including the Koppers. It appears to extend also to the new consolidations in the city of New York. These developments are, of course, inevitable under present conditions; and on broad, economic grounds are, doubtless, justified. Widespread control and unification is essential, if the advantages of low power production at principal points of supply are to be realized by industry and population over wide areas. There is, however, also the fact that with the additional centralization of control, the prevailing system of state regulation in the public interest may become increasingly helpless and futile.

We do not, by any means, oppose these great movements which, in their nature, involve economic progress, but we do think that they emphasize the necessity of reconstituting basically our methods of regulation to cope with present-day conditions.

⁂

Is Interstate Regulation Needed?—The rapid holding company developments in recent years, as emphasized by the organization discussed in the preceding paragraph, brings to the forefront the question that was raised by Professor C. O. Ruggles, of Harvard University, at the meeting of the American Economics Association in Chicago on December 28, 1928. Professor Ruggles discussed the holding company situation, together with other phases of regulation affecting, particularly, the electric industry. Among his recommendations was the establishment of interstate regulation, to fill the gap that exists in state regulation in dealing with interstate relations.

While at the present time the amount of power generated in one state and transmitted for use in other states is small, compared with the aggregate of electric consumption, the interstate situation does create a real problem in many communities and doubtless will become increasingly serious in the immediate future. Within the next ten years, there will probably be a power pool established including the New England states, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and possibly other states. In this district, not only will electricity flow in large volume from state to state, without regard to boundaries, but the control exercised by the management is bound to be of an interstate character. An increasing proportion of the services and operations will be furnished through holding companies with interstate relations, instead of the local operating companies, with exclusive, intra-state residence. In view of the actual and prospective interstate developments, Professor Ruggles's suggestions are extremely timely and deserve active consideration by students and groups responsible for the public interest.

⁂

Retailing of Electricity by Sub-Meter Companies.—In recent months the New York and New Jersey commissions have become concerned with the retailing of electricity by apartment house owners or special sub-meter companies. The practice is to install a single master-meter in large apartment houses, and then to retail the current to the tenants. The owners in sub-meter companies pay the wholesale rate available through the combined demand of all tenants, and charge the retail rate fixed for domestic consumers.

This practice is based upon two main considerations. The first is apartment house convenience. There are advantages for the management to take responsibility for all services rendered, including the supply of electricity, together with heat, water, etc. Even if the profit from retailing is small, there is substantial reason for the concentration of functions in the house management. But the second and probably chief reason is the profit available in the difference between the wholesale and retail rates. Apart from the unification of house services, we quite agree with the contention of the electric companies that there should be no separate retail agency to step in between them and the ultimate consumers. At the same time, the very fact of this development goes to indicate that we have been correct in our past contentions that the wide "spread" between retail and wholesale rates, which exists in most electric schedules, is unwarranted under present conditions. While, of course, rates to domestic consumers must be higher than for large power users, there is no reason for the large "differentials" that commonly prevail. In New York City and in New Jersey domestic rates are five to six times as high as power rates. Apart from a reasonable service charge, what justification is there in this wide spread of rates between consumers?

If in New York City or in the metropolitan district of northern New Jersey an apartment house management or a sub-meter company can make a profit on the difference between the wholesale and retail rates, after installing on its own account individual consumer meters and paying all the expense of maintenance and service, we feel that there is strong indication—if not absolute proof—that the domestic rates are excessive in relation to wholesale rates, and ought to be reduced. There should not be so wide a margin that an efficient separate management can draw a profit from the spread. The differential should be based upon the additional cost of service imposed by the retail service compared with the wholesale rate. This would leave no "profit" either to the house management or sub-meter company, and would thus automatically dispose of the sub-meter problem.

In New York City the invasion of the sub-meter has been much more extensive than has been commonly assumed. Matthew S. Sloan, president of the New York and Brooklyn Edison companies (both under single control and management), testified on January 7 before the New York commission that the sub-meter companies charge their customers about 2.6 cents per kw.h. more than they pay upon the wholesale basis, and collect about $14,000,000 a year more in revenues than they pay to the electric companies. He asked for the abolition of the sub-meter arrangement, or permission not to furnish electricity at wholesale rates to be retailed by others, and promised to pass on to the consumers a large proportion of the spread now retained by the outside concerns.

The New Jersey commission on December 11, 1928, sustained the electric company's position, refusing to install master meter in connection with outside sub-meter arrangements. The New York commission has not yet rendered a decision; the matter is up for consideration also in other states. We believe that the New Jersey commission is right in its position, but the problem probably cannot be permanently disposed of until the rate schedules eliminate the profit available between wholesale and retail rates. What will the commissions do in regard to this basic condition?

*

Service Charge Further Extended.—The matter of a "service" charge is continuing to occupy the attention of the commissions. The object is to fix a "consumer" charge of about $1.00 a month, to be paid whether any gas or electricity is used; then add a commodity rate for the quantity of gas or electricity consumed per month.

The object of the service charge is to prevent outright loss on the smaller consumers who under the old "flat" rates do not use sufficient gas or electricity to cover the "out-of-pocket" costs incurred on their behalf by the companies. That there is a proper basis for such a service charge, there is no doubt. A company does incur certain regular monthly or periodical expenses which are closely identified with consumers, and which have no dependence upon the quantity of gas or electricity consumed. Such costs include, especially, meter reading, billing, consumers' accounting, and collection; also, perhaps, certain other costs might be properly incurred. What these costs properly amount to in the aggregate per consumer per month, depends upon individual cases. The determination, however, depends particularly upon the method of cost apportionment or allocation used in the analysis. The difficulty in the "service" charge cases, has not been one of general principle or policy, but of the precise method or basis by which the various costs should be specifically allocated upon a consumer basis, not only in justice to the company but also to the small consumers.

As reported in this department last month, the Massachusetts commission rejected a service charge of about 86 cents per month per customer, proposed by the Boston Consolidated Gas Company, as it had previously rejected a service charge of $1.00 a month. It found that a proper charge would not materially exceed 50 cents a month, and therefore permanently rejected the new schedule.

Two such cases relating to two companies serving New York City consumers have been pending for over a year before the New York public service commission. In these cases, the companies' witnesses were subjected to thorough cross-examination in regard to the methods of apportionment used, and the indefinite basis of most of the allocations was clearly shown. On the city's and the consumers' side, there was a special study made, which limited the consumers' allocations to those costs which unquestionably are due to the consumers as such, without any dependence upon the quantity of gas or business operations in general. The commission has now taken more than six months to study the facts and issues, and, it is hoped, will come to a sound conclusion as to public policy.

The Public Service Gas and Electric Company, which serves practically the entire metropolitan district of northern New Jersey, as well as other sections of the state, filed a schedule to become effective January 1, 1929, which would charge $1.00 per consumer per month for 200 cu. ft. of gas or less. While this includes a small quantity of gas, as was the case in the two New York schedules, in reality it constitutes a "service" charge and is properly so regarded. There was widespread opposition to the new schedule among smaller consumers and officials of a number of municipalities. Upon complaint and petition, the board of public utility commissioners has suspended the schedule until April 1, and in the meanwhile is making a special investigation both as to the propriety of the service charge in general, and as to the amount which may be reasonable or necessary under the particular circumstances.

On December 22 the Georgia public service commission established service charges for the Georgia Power Company applicable to both gas and electricity. For the latter it fixed a charge of $1.11 per month for meters of 10 amperes or less, and $2.22 per month for meters over 10 amperes. For the energy charge, it fixed $5.55 for the first 50 kw. h. per month (or at the rate of 11.1 cents per kw. h.); $3.33 for the next 150 kw. h. per month (or 2.22 cents per kw. h.); and 2.22 cents per kw. h. for all over 200 kw. h. per month. In the new gas schedule the rate is $1.00 per month for service charge, with a commodity charge of $1.40 per 1,000 cu. ft. for the first 1,000 cu. ft. per month, and $1.10 per 1,000 cu. ft. for all over 1,000 cu. ft. per month. A discount of 10 per cent is allowed for prompt payment on all electric bills, and 10 cents per 1,000 cu. ft. on gas bills.

From our personal experience in the analysis of consumer costs, it is difficult to see how the Georgia commission could reasonably come to the amounts fixed for service charge in both the gas and electric schedules. It is, of course, possible to adopt methods of cost apportionment that will bring the particular result, or even greater amounts. That the company presented such analyses, we have no doubt. We are wondering to what extent the apportionments were subjected to critical analysis on the part of the commission or the consumers. Even in regard to the energy schedule, it would be interesting to know just what calculations were made to obtain the results. The object was to fix such rates as would stimulate the extension of use to all sorts of domestic electric appliances. The schedule places a very heavy burden upon the smaller consumers who may not be benefited by such an extension of utilization.

Besides the $1.11 per month paid for service charge, the additional rate for the first 50 kw. h. is $5.55, or at the rate of 11.1 cents per kw. h. This, taken by itself, is a high rate, even if it were not added to a service charge of $1.11 per month. The schedule as published indicates, moreover, that the full schedule amount must be paid for the 50 kw. h., whether it is consumed or not. The result is, of course, a substantially higher rate for the mass of small consumers. A consumption of 50 kw. h. per month represents a considerable domestic use, and exceeds the amount found among the great majority of domestic users. The schedule thus imposes a very sharp increase upon the small consumers, without revealing the basis upon which the new rates are predicated.

Assume that a family actually uses 50 kw. h. a month; its total bill is $6.55, or 13⅓ cents per kw. h. But suppose it uses only 30 kw. h.,—which is probably nearer the domestic average,—its bill would still be $6.55, or 22.2 cents per kw. h.

MUNICIPAL ACTIVITIES ABROAD

EDITED BY W. E. MOSHER

Municipal Press Bureaus.—One of the outstanding results of the revolution in Germany is the development of interest in the work and achievements of local government. This is due to the fact that the municipal units have taken on a democratic character as compared with the pre-war period. As a consequence numerous press bureaus have been founded not alone in the large but also in small cities, for the purpose of bringing promptly to the attention of the citizens of any given community information concerning the activities of the city. This has led to the organization of a union of municipal press bureaus in which thirty German cities participate including practically all of the large ones. The purpose of this union is to provide a clearing-house concerning the organization of the press bureau, its relation to the administration, and the methods of collecting and distributing information, as well as the transfer of information that would be of interest to the various members of the union.

The significance of this movement can be judged on the basis of the increase in the number of press bureaus as compared with the time before the war. Up to 1912 there were but three, whereas in 1927 there were seventy-six, comprising a great majority of the German municipalities.

It is interesting to note that twenty of the cities have independent central organizations for the dissemination of news. These include most of the important cities such as Berlin, Munich, Leipsig, Breslau and Cologne. In other cities the press bureaus are identified or associated with various standard administrative bureaus, such, for instance, as the statistical or accounting bureau. The author recommends the advantages of an independent organization.

So far as the relation to other administrative units is concerned the larger cities have placed the press bureaus directly under the burgomaster.

Since the success of any reporting organization will depend upon its ability to turn to original sources for information, attention is then given to the right of the head of the press bureau to participate in the sessions of the council, important committees and the like. In other words, he must be thoroughly informed and probably the best informed member of the administration if he is to maintain his prestige with the representatives of the public press. It is significant that the heads of the news service have the right to participate in the meetings of the magistracy, of the city council and committees in a number of the more important German cities. This list includes Berlin, Breslau, Frankfurt, Hanover, Munich, and Stettin.

Some notion of the importance of the activities of this bureau may be gained by referring to the number of assistants enrolled on its staff. In Berlin there are ten assistants, in Magdeburg seven, Mannheim five, Munich four, and in Leipsic four.

In a number of cities it is customary to publish an official periodical. Sometimes this paper is published exclusively for officials, at other times for general consumption and occasionally for both purposes. Berlin, Düsseldorf, Elberfeld and Stuttgart are the cities that have both types of publications. From the above it will be apparent how widespread the interest is in keeping the public fully informed concerning what is going on within the city administration. The continuation and expansion of these press bureaus are an indication of the interest in local public affairs among German citizens.—*Zeitschrift für Kommunalwirtschaft*, September 25, 1928.

*

Public Ownership.—1. The extent to which public ownership has expanded in Germany is shown in an address given by a member of the German League of Municipalities, Dr. Loeser. Figures are given for public enterprises in water works, electrical works and street railways, harbors, slaughter houses, markets and savings banks. According to the data submitted the majority of the cities now supply their own water. Of the seven and one-half million kilowatt hours of energy generated in 1925, four and one-half million were produced in municipal electrical works. In 1926 almost 90 per cent of the gas sold was made in municipal undertakings. Seventy-five per cent of the street railways are under communal control. Twenty-one of the thirty-five large harbors on the Rhine are public enterprises. Of a thousand slaughter houses throughout the country only fifty are carried on by private individuals or groups. In Prussia there are 1,447 savings banks of which 724 are municipal, and 687 are under the control of larger administrative units.

The author concludes his paper with observations concerning the fact that municipal public works maintain a scale of prices that is higher than it should be. He charges this to the fact that the public industries are called upon not alone to supply such commodities as water and gas to their citizens but also to furnish a surplus for the purpose of meeting other municipal expenses. In other words, public enterprises are used as a source of taxes. This condition seems more or less inevitable in view of the fact that the Empire and state have seen fit to infringe so largely upon the revenue sources of the local communities, thus making it necessary for the communities to translate a federal or state tax into an indirect communal tax. The only possible relief for the situation is that there shall be a reform of taxation methods through the country as a whole.—*Zeitschrift für Kommunalwirtschaft*, September 25, 1928.

2. In spite of the acknowledged relatively high prices which are generally charged by the municipalities for industrial services it is maintained by another writer, a former minister of state (Dr. Wendorff), with respect to electricity, that the great majority of the cities providing electricity for domestic service are offering it at 17 per cent lower rates than those charged by private companies. Even after making provision for the amount of revenue paid in the form of taxation there still remains a difference of 5 per cent between the average public and private prices for current to small users.—*Der Städtetag*, October 20, 1928.

3. A committee appointed by the Board of Trade in England and presided over by Sir Arthur Balfour for the purpose of inquiring into the conditions and prospects of British industry and commerce recently issued a volume entitled *Further Factors in Industrial and Commercial Efficiency*. A section of this survey is devoted to the trading enterprises of public authorities. It limits itself to a consideration of the undertakings for supplying gas, electricity, water and tramway services. So far as the data go there is no basis for concluding that there is a material difference in the general level of efficiency between publicly and privately managed utilities. The extent of public enterprise may be understood when it is pointed out that 80 per cent of the water supply, two-thirds of the electricity, and 40 per cent of the gas are provided by the municipality. In the case of gas it appears that the revenues received in 1925 for a thousand cubic feet sold were four shillings and seven pence for municipal undertakings and five shillings and two pence for other undertakings. It is stated that the private concerns must pay a heavier toll for interest than the public. While the latter average 5 per cent on its borrowings, the former pay an average of 5.25 per cent on loans, 5.69 on preferred stock and 9.41 on the common.

Although the investigation of public trading is only incidental to the general survey being carried on by the committee, those who believe in the possible efficiency of public undertakings find comfort and some significant data which lend support to their point of view.—*The Local Government News*, December 1928.

⁂

The Cities as Real Estate Owners.—On account of the rapid increase of the population within the cities and the constant increase of land prices, a movement was launched in Germany some years ago looking toward the purchase of desirable real estate by the municipality itself. Even before the war many cities had succeeded in bringing a considerable part of the area within the city limits into the possession of the city. The following figures have recently been brought together in the Statistical Yearbook of the German cities for the purpose of showing the extent of real estate ownership on the part of the cities. The percentages leave out of account the streets which naturally also belong to the cities. In Cologne 27 per cent of the space within the city limits, in Leipsic 34 per cent, in Dresden 20, Breslau 27, Frankfurt-am-Main 46, and in Hanover 26 per cent of the whole area is in the possession of the city.

Various possibilities as to how the cities may make use of their large holdings are outlined in the article under review. In the first place it is pointed out that the city needs more and more space for its own buildings and grounds. One need think only of the expansion of schools in this connection. Secondly, it is possible for a city to develop its housing policies if it already has at its disposal land bought at reasonable prices. Then again it is possible for it to lease its own land to organizations or individuals whose purpose it is to build and rent dwellings at reasonable prices. Thirdly, a commune is able in times of financial stress to borrow at advantageous rates on its holdings of land, or even to sell in order to carry out one or another social policy for which funds are not available.

In case it sells, provisions can be made in the contract that the commune alone has the right to buy back the property, or that the property, with whatever buildings have been constructed in the meantime, shall automatically return to the city at the end of an agreed upon period.

The policy of purchasing land by city administrations is also justifiable on the ground of social hygiene. More and more emphasis is being laid today upon the importance of open spaces, parks and even forests in connection with the recreational and health program.—*Gemeinwirtschaft*, No. XII, 1928.

◆

The Menace of Slippery Streets.—On account of the large number of accidents in which injury is done to human beings or damage to materials, a movement has been launched in Prussia to investigate conditions that make streets slippery and dangerous.

The present Bureau of Standards undertook to study this question at the request of the Berlin union of asphalt street construction. The result of this investigation which was carried on along chemical lines goes to show that it is not possible by established method thoroughly to clean streets paved with asphalt. The chief task of reducing the menace of slippery streets is the task of properly cleaning them.

A careful investigation was made to indicate the character of the deposits upon the street for the purpose of determining how this deposit might be dissolved or completely removed. It was found, among other things, that 20 to 35 per cent of the deposit consisted of small segments of asphalt and 20 to 25 per cent of sand and clay material. In addition there were small amounts of sulphate of calcium and magnesium. The remainder of the deposit was composed of organic materials of various sorts. There were also noticeable amounts of mineral oils which were derived from the asphalt on the one hand or dropped from automobiles on the other. Incidentally there were small amounts of rust, bits of wood, bits of wool and leather. In some seasons of the year, of course, one finds leaves, blossoms and certain fruits. One striking observation was that there was very little evidence of rubber material. This is explained as due to the fact that rubber is thoroughly utilized or oxidized. Part of these substances are dissoluble in water through the influence of atmospheric conditions.

In the light of the above information, various experiments were made. The first was the use of distilled water instead of the customary hydrant water. This increased the success of cleaning, but proved to be far from satisfactory. Secondly, soap suds were mixed into the hydrant water. The results of this combination were very satisfactory. Objections may be raised, however, to it on the ground of cost, and also because the calcium element in the soap and the calcium salts in the water combined leaving an insoluble residuum. This, of course, must be looked upon as a serious defect. The third experiment reported in this summary is the use of soda instead of soap; 3, 2, 1 and ½ per cent solutions of soda were tried. It was found that the 3 per cent and 2 per cent solutions gave very satisfactory results. The coating of dirt was quickly and completely removed from the pavement. Even the 1 and the ½ per cent solutions of soda proved to be useful particularly where dirt had not been allowed to accumulate for some little time. The chief disadvantage of soda is that it dissolves comparatively slowly and not completely in the cold hydrant water.

Finally experiments were made with a 1 per cent solution of sodium hydroxide as well as with a 1 per cent solution of this chemical and a similar solution of water glass. The former seemed to operate more successfully in a number of cases than the latter.

The conclusion of the investigation is that it is possible fully to dissolve or eliminate the dirt covering which is found on asphalt pavements. Whether soda, *natron lauge* or water glass is preferable is to be determined on the basis of further experimentation.

◆

Gas Attacks.—Strange as it may seem, the European cities are confronted with the preparation for gas attacks in case of another war. In the International Union of Cities two representatives have been appointed to a commission which was organized under the stimulation of the International Red Cross. This latter organization considered that one of its foremost and most important functions at the present time is to bring about comprehensive organization in all large centers of population for defense against gas. This includes the provision of properly sheltered places, the organization of squads to give first aid and to clear the atmosphere. It calls for the storage and protection of food and water and other necessary supplies against contamination. It looks toward the education and training of the civil population to insure discipline in case of such an attack. Finally the commission urges that the committee of the International Red Cross shall serve as a clearing house for all pertinent information concerning possible methods and devices that might serve the purpose of combating this type of warfare on civilians.

It is reported further that a commission has already been appointed in London to deal with this problem, so far as it affects the capital city of England. One of the outstanding suggestions that has been considered is that there shall be built under the squares of London a network of vast garages for automobiles in tiers four or five stages deep. The preliminary discussions also deal with the distribution of gas masks among all the population, the provision of a chamber in each house which has been made impenetrable as far as gas goes, the training of a corps of specialists who are protected by masks and proper garments for the purpose of neutralizing or dissipating the accumulation of gas in the streets. In spite of the enormous sums involved in carrying out these plans, the danger of gas attacks in the next war demands some such elaborate preparations.

From the preliminary report of the commission called under the auspices of the Red Cross and of the English commission consisting of representatives of the Ministry of the Air, the Home Office, Scotland Yard, a number of chemists and specialists, it becomes clear that a new branch of municipal administration is likely to be established. If established along the lines proposed it will lead not alone to the expenditure of stupendous sums but also to a preparatory organization of practically the whole civilian population.—*Le Mouvement Communal*, July, 1928.

◆

Clarifying the Budget.—The budgets of the German communes are characterized by a recent writer as books with seven seals. The inevitability of misunderstanding on the part of the laymen is assumed in view of the methods of presenting budgetary material. The critic takes the budget makers to task first of all because they are accustomed to give gross figures which make an accurate analysis impossible. He makes a plea, therefore, for net figures in each of the several sections of the budget. This implies a separation of such "gross ballast" as subsidies from without and the transfers of funds among the various accounts. It is then proposed to make comparisons and submit unit figures. Comparisons are suggested both within the government concerned and with outside jurisdictions of similar character and size. Finally, for purposes of discussion, a scheme for presenting income and disbursements is outlined as follows:

INCOME

Imperial subsidies
Communal taxes and contributions
Taxes on real estate
Fees and penalties
Income from investments including real estate, and rentals
Surplus from industrial enterprises

EXPENDITURES

General administration and welfare
Education and culture
Traffic
Public safety
Interest and amortization
Special functions such as housing construction, cultural purposes, and other improvements

A distinction is made between what is called the productive and the unproductive expenditures. General administration is considered unproductive and should, therefore, be reduced to the lowest limit. On the other hand, welfare, education and culture are considered the basic activities of the commune and should, therefore, be increased to the fullest possible extent.—*Gemeinwirtschaft*, No. XI, 1928.

◆

Bureau of Research.—The Fabian Society has recently organized a Bureau of Municipal Information and Research for the purpose of answering inquiries and requests for information concerning municipal activities. This bureau is supported by annual subscription, five shillings per member. The suggestion has met with a gratifying response in that more than one hundred members have already been enrolled.

An additional feature outlined in the prospectus is that at least one conference a year shall be called so that all members may meet one another and have the opportunity of discussing local government problems and policies.—*Local Government News*, December, 1928.

GOVERNMENTAL RESEARCH ASSOCIATION NOTES

EDITED BY RUSSELL FORBES

Secretary

Recent Reports of Research Agencies.—The following reports have been received at the central library of the Association since December 1, 1928:

The Ohio Institute:
County Welfare Organization in Ohio.
St. Louis Bureau of Municipal Research:
New Garbage Dock Needed.
Committee on Uniform Crime Records, International Association of Chiefs of Police:
A Guide for Preparing Annual Police Reports.

✱

California Taxpayers' Association.—The Association is engaged in the dissemination of facts pertaining to the adoption by the legislature of a law which will establish a county unit system of school administration in California. The Association recently published a twenty-page pamphlet setting forth the findings of its educational commission in the study of the California school system.

The Association will present a special assessments program to the legislature which will contain the following salient features:

1. Limiting the amount of assessments possible to be levied against any property to the equal of its assessed value.

2. Where needed in cases of large districts, amendments will be offered to give more time in which to file protests.

3. In acts where the basis of protest is not in accord with the basis of assessment, amendments will be offered to make the bases the same. This refers to acts where the basis of protest is area but the basis of assessment is value.

4. An amendment to provide for contracts to be paid in cash instead of in bonds, and for progress payments.

5. An amendment to perfect the arrangement whereby the taxpayer will receive notice of delinquent payments on his tax bill before the whole of both principal and interest may be declared due and payable or foreclosure commenced.

6. A constitutional amendment which will make it possible for all trials in opening and widening proceedings to be heard before one tribunal so that all awards may be made on a like basis of appraisal by the same authority.

7. Amendment of several of the acts so as to increase the vote of the legislative body, in overruling a majority protest, from a four-fifths to a unanimous vote of all members.

The Association hopes that this session of the legislature will see the enactment of a law which will legalize the photographic record of public documents.

✱

Taxpayers' Research League of Delaware.—With the convening of the legislature and the inauguration of Governor C. Douglass Buck, the League is engaged in bringing to a head its study of the finances and fiscal administration of the state, and in formulating specific recommendations for the improvement of the state's accounting and financial reporting methods, budget procedure, system of revenue and taxation, sinking-fund administration, disposition of surplus funds for the retirement of bonded debt, use of serial bonds for future bond issues, centralized purchasing of state supplies, and other fiscal and administrative policies that may be included in the scope of the League's work. The League's assistance in these matters has been requested by Governor Buck, and much of the work has been done in close coöperation with the fiscal officers of the state. In its final stages, this work will also include conferences with state officials and meetings of prominent citizens for agreement upon conclusions and crystallization of public opinion.

Russell Ramsey, director of the League, has been elected chairman of the general section of the Wilmington Chamber of Commerce and serves *ex-officio* as a member of the Chamber's board of directors. On the recommendation of the general section, the Chamber has appointed a committee of business men to consider proposals for a substantial increase in municipal expenditures. The League is coöperating with the committee in studying these proposals.

As an aftermath of its analysis of the accounting system of the town of Milford, the League by request acted as the agent of the regularly appointed auditors in making the audit of the town's accounts for 1928.

✻

Detroit Bureau of Governmental Research, Inc.—A report on the pension systems of the city of Detroit has been completed and will be distributed shortly. No detailed calculation was made of the actuarial deficit in the existing pension funds, but such deficits are estimated to total between $40,000,000 and $50,000,000. The report does calculate in detail the sum required to meet the demands of pensioners now on the rolls, plus funds paid in, that may be withdrawn, this deficit being in excess of $10,000,000. The report is designed primarily to point out the inequalities and shortcomings of the present pension systems, with a view to enlisting the interest of officials and the public in securing a thoroughgoing study of the situation by an official commission.

Several calculations have been made of the actual cost of existing and proposed purchase contracts on track and equipment entered into by the department of street railways. The first of these calculations indicated that the lowest bid for 100 street cars was about $100,000 greater than a fair price. At the instance of the controller and the mayor, these bids were thrown out and a bid for $109,000 less than the previous low bid was received. Calculations on existing contracts were made to ascertain the saving which would eventuate by a refunding bond issue which is now proposed.

Lent D. Upson, director of the Bureau, has been appointed chairman of a subcommittee on assessment procedure of the committee on state and local taxation of the Chamber of Commerce of the United States. Dr. Upson is also a member of a small committee of the faculty of the University of Michigan appointed to study the tax situation in the state.

As usual, members of the Bureau staff are serving as member-secretaries of a dozen or more sub-committees of the governmental committee of the Detroit Board of Commerce which is analyzing and reporting upon the current city budget.

C. E. Rightor, of the Bureau, who served as secretary of two separate finance committees appointed by a previous mayor for the preparation of a long-term financial program for the city, is now coöperating with the mayor and city controller in the revision of these programs for presentation to the city council.

Following the refusal of the voters a year ago to place the county's capital improvements upon a pay-as-you-go basis, the Bureau coöperated with county officials in the preparation of a ten-year improvement program. This program, with a ten-year tax levy not to exceed 25 cents per $1,000 in any one year, has been officially approved. Wayne County is, therefore, one of the first in the United States to adopt a long-term building program on a pay-as-you-go basis. Incidentally, the governor of the state of Michigan is now presenting a similar building program to the state legislature.

The program to place the school system of Detroit on a pay-as-you-go basis within thirty years has been furthered by a reduction in the term of school bonds from thirty years to twenty years. The plan has received considerable public and official attention, and it is expected that a definite appropriation from taxes for school buildings will be made this year. This program, which was initiated by the Bureau, will eventually relieve the taxpayers from an interest burden of about $4,000,000 a year, and also free the bonding limit for other necessary purposes.

At the request of a member of the state legislature, the Bureau has undertaken the study of the possible consolidation of a number of upstate counties, which are sparsely populated and have a minimum of taxable wealth. The governor has recommended such consolidation in his recent message to the legislature.

Negotiations have been entered into with the civil service commission looking to a compromised amendment of the sections of the city charter dealing with the merit system. It is earnestly hoped that these negotiations will be successful, thus ending a disagreement between the commission and the civic agencies of the city that has continued for a number of years.

Numerous conferences have been held between the rapid transit commission, the Bureau, and several other organizations looking to a revision of the method of assessing the cost of rapid transit construction. While the principle of assessing benefits has been retained, the so-called proximity assessment on a square foot basis has been abandoned. The rapid transit commission and the street railway commission have recently been in conference on a joint plan of train-operated subway and street car dips, and there is every indication that the construction of a rapid transit system will shortly be authorized.

*

Taxpayers' League of St. Louis County (Duluth).—Practically all of September, part of October, and part of November were devoted to budgets and tax rates. The tax levy for strictly city purposes for next year is about three fourths of a mill higher than the 1928 city rate. The increase in the amount levied is only $30,000, but because of a reduced valuation the higher millage is required.

Outside of the question of appropriations, the League was interested in having a sufficiently large sum levied in the sinking fund to take care not only of next year's requirements, but to have a sum left over so as to make unnecessary a large increase in the 1930 tax rate, when $300,000 in bonds will fall due. (But $175,000 mature in 1929.) To do this, a majority of the city council voted in favor of a levy of $235,000, which accorded with our recommendations.

In the county, the League was able to get $250,000 reduced from last year's road and bridge levy, but the benefit of the reduction was largely lost by increased appropriations for other purposes, most of which were unavoidable. The net result is a slight decrease in the county rate. The state rate this year is down 2.4 mills, which gives a net reduction in Duluth's total tax rate of 1.8 mills. Had it not been for the reduction in the state rate, we would have pursued a different policy with the city levy; but the city budget as now fixed for next year should make it possible to bring about a reduction in the city's levy for 1930, and in so doing, offset to some extent the increase which is certain in the state rate for that year.

County Road Program.—On December 17, 1927, the board of county commissioners unanimously adopted a resolution stipulating, first, that all highway work in the county shall be in charge of the county highway engineer, as is provided by law; and, second, that an adequate system of records and accounting of the road and bridge expenditures be set up.

The first part of this resolution was practically ignored by all districts except the fifth, and in the past few months by the second district.

The accounting system has been operated quite satisfactorily, but it is believed that more use could be made of the information that has been produced. In all events, at the end of the year there will be more pertinent information as to costs than ever before.

On August 20, 1928, a committee of five directors of the League was appointed to study this matter. They have had several meetings, and several outside persons have been added to the group.

Civil Service.—For some time the civil service commission has been laboring under the difficulty of a part-time secretary, with the result that a proper classification of salaries and positions could not be made, nor could adequate experience records be kept for the various employees, all of which is required by the charter. The League, in its written report, recommended the full appropriation requested by the civil service commission, which would have permitted a full-time secretary. The result was that the council made its appropriations on the basis of a part-time secretary, which proved unsatisfactory to the civil service commission. Later, in conference with the city commissioners, the League secretary was asked if the League would undertake this work. It has been made plain that the League does not seek to take on this work, but will do so only as a matter of public service, if the city desires it.

Special Assessments.—During the summer, considerable work was done on special assessments. The League secretary is a member of a committee of the Governmental Research Association on special assessments, and material was gathered for a report on this question, which was given to the Convention of the Association at Cincinnati in October. The work will be of particular value to Duluth when it comes time to spread assessments for the contemplated sewer program.

Charter.—The League secretary has kept in close touch with the proceedings of the charter commission, and recently submitted, at the request of the commission, a draft of a chapter on financial procedure.

City Jail.—The League has worked without success in the matter of housing city prisoners in the county jail. There is ample room in the jail for all city prisoners, and there is no good reason why arrangements cannot be made. The stubborn opposition of the sheriff is the only reason for the failure. It will cost the city at least $14,618 annually to continue the use of the old jail; whereas the county auditor believes that the cost to the city for renting and operating one floor in the county jail would not exceed $6,000.

Taxpayers' Association of New Mexico.—The director of the Taxpayers' Association of New Mexico, Rupert F. Asplund, has been appointed director of the budget by the governor of New Mexico. New Mexico has no agency for assembling the requests of the various institutions and departments, and for the sixth time the Taxpayers' Association has been requested to act for the governor in compiling the state budget for presentation to the legislature, which meets for a sixty-day session about the middle of January.

◆

Schenectady Bureau of Municipal Research.—The staff has completed its survey and premilinary report of the administration of charities in the city and county of Schenectady. The survey shows that, in a county having a population of 117,000, the administration of charities is being done by twenty-one different relief agencies with a total of over 200 employees. The policies and activities of these relief agencies are supervised by thirteen different citizen governing bodies whose total boards of direction include nearly 300 private citizens.

The twenty-one relief agencies consist of four in the city, five in the county, and twelve private organizations operating under the community chest. These are engaged in rendering various outdoor and indoor relief measures, their functions in this regard greatly overlapping. The total cost to the public appears to be about $563,000 per annum.

In the December issue we reported the activity of the Bureau in advocating the application of surplus revenues to the reduction of the succeeding year's tax levy. Our suggestion has been carried out. The total reduction, however, has been much more than the 17 cents indicated. Actually, the final budget, as approved by the board of estimate and apportionment, called for a rate of $23.75 per $1,000. Subsequently, the common council reduced this budget by $53,000 following which it was further reduced by the application of $128,000, estimated surplus revenues, making in all a total reduction of 94 cents per $1,000 of assessed valuation, or the equivalent of $9.40 on a $10,000 property.

Bureau of Civic Affairs, Toledo Chamber of Commerce.—The Bureau was opened on January 2, with J. Otis Garber as secretary in charge. The creation of the Bureau was the result of an extended discussion continued over several months by members of the board of trustees.

◆

Toledo Commission of Publicity and Efficiency.—J. O. Garber, former secretary of the commission, resigned, effective January 1. The commission has chosen as his successor, H. T. Shenefield, former instructor in municipal government at the University of Toledo. Mr. Shenefield is a graduate of the University of Michigan, having taken his A.B. in 1924 and his M.A. degree in 1928 in the field of political science, specializing in municipal administration. Mr. Shenefield is the third secretary of the commission to be chosen from the University of Toledo—Virgil Sheppard and J. O. Garber both having come from the faculty there.

A survey of the criminal branch of the municipal court of Toledo was published in the *Toledo City Journal* of December 15, 1928. The commission has been engaged for over six months on this study, covering the disposition of cases and the conditions surrounding the court during the first three months of 1928. The report showed that a person arrested had one chance in twenty-three of serving even one day in the workhouse, and that the judges arbitrarily marked one-fourth of the cases "off docket." Professional bondsmen were found to infest the court room and to hold secret conferences behind locked doors in the clerk of courts' office. Many peculiar entries were found on the court journal, which showed that judges often indulged in the practice of changing sentences after the original sentence was made in open court.

In all, the commission made fourteen specific findings and eight recommendations for the improvement of conditions. The publication of this investigation came at a time when state officials were in the city of Toledo investigating the conduct of local county officials and municipal judges in regard to wholesale release of liquor violators by supplemental orders of the judges.

AMERICAN MUNICIPAL ASSOCIATION NOTES

EDITED BY JOHN G. STUTZ

Executive Secretary

Fifth Annual Meeting.—The secretaries and directors of state leagues of municipalities met at the Hotel Richmond, Richmond, Virginia, November 12, 13, and 14. Nine state leagues of municipalities were represented at the meeting.

Mr. Morton L. Wallerstein, executive secretary of the League of Virginia Municipalities, and Ralph L. Dombrower, managing editor of the *Virginia Municipal Review* and the *North Carolina Municipal Review*, made excellent arrangements for the comfort and entertainment of the delegates.

Beside the members of the Association who appeared on the program, the Association was honored by Louis Brownlow, municipal consultant, City Housing Corporation, New York City, who gave an illustrated address on planning and building for the motor age. Mr. Russell Forbes, secretary, the National Municipal League, the Governmental Research Association, and director of the Municipal Administration Service, gave a very interesting outline of the work of his organizations, and Mr. Radford W. Rigsby, city manager of Durham, North Carolina, and president of the International City Managers' Association, gave a constructive talk on the objectives of city government. Mr. Oliver C. Short, Maryland State Employment Commissioner, discussed schools and municipal officials and the civil service.

The following officers were elected for the coming year:

President—Don C. Sowers, secretary, Colorado Municipal League, Boulder.
Vice-President—Harvey W. Draper, executive secretary, League of Texas Municipalities, Houston.
Executive Secretary—John G. Stutz, executive secretary, League of Kansas Municipalities, Lawrence.
Trustees—Dr. Richard R. Price, secretary-treasurer, League of Minnesota Municipalities, Minneapolis.
Sedley H. Phinney, executive secretary, New Jersey State League of Municipalities, Trenton.

*

Committee Appointments.—President Sowers has appointed the following committees:

1. Representatives on the National Committee on Reporting Municipal Government. This committee is composed of two representatives from the National Municipal League, two representatives from the International City Managers' Association, and two representatives from the American Municipal Association.[1]

2. American Municipal Association representatives on the National Fire Waste Council as follows:

A. D. McLarty, executive secretary, Illinois Municipal League, Urbana.
Harold D. Smith, executive secretary, Michigan Municipal League, Ann Arbor.

3. Committee to draft a model constitution for a state league of municipalities as follows:

A. D. McLarty, executive secretary, Illinois Municipal League.
Dr. Morris B. Lambie, executive secretary, League of Minnesota Municipalities.
John G. Stutz, executive secretary, League of Kansas Municipalities.

4. Committee to compile and analyze the annual dues charged cities for membership in the state leagues of municipalities as follows:

Harold D. Smith, director, Michigan Municipal League.
Samuel Baker, secretary, Union of Canadian Municipalities.

*

City Officials' Tour.—The American City Officials' Tour which is being sponsored by the American Municipal Association promises to have a good representation from the cities of the United States. There are now thirty-nine delegates scheduled to represent eleven cities.

In brief, the itinerary includes sailing from New York on the S. S. *Roma* March 9—land at Gibraltar—spend five days at the IV International Congress of Cities at Seville, also attend the Spanish American Exposition which will be in session there March 19–23. The party of American city officials will then visit Madrid, Paris, Brussels, Cologne, Berlin, Hamburg,

---

[1] The personnel of this committee appears in the League's Business Department of this issue.—EDITOR.

Amsterdam, and London, returning to New York on the *Berengaria*, which will arrive in New York April 19.

This is an unusual opportunity for city officials and others interested in civic affairs.

Major Chester P. Mills, president of the Morriss Service, Inc., a tourist agency, is in charge of the tour, with headquarters at 551 Fifth Avenue, New York City.

Those city officials who find it inconvenient to take the tour are urged to appoint one or more citizens to represent their city on the tour.

NEWS FROM THE STATE LEAGUES OF MUNICIPALITIES

Conference of Ohio Municipalities.—Following the annual convention of the National Municipal League, the city officials of Ohio met in Cincinnati to reorganize the Conference of Ohio Municipalities. Thirty city officials representing twenty-five cities were present. Murray Seasongood, mayor of Cincinnati, was elected president, and Emmett L. Bennett, secretary of the Municipal Reference Bureau of the City of Cincinnati, was elected executive secretary of the Conference.

The Conference of Ohio Municipalities is confronted with a state law which prohibits the cities from paying dues to such an association of cities. The new organization of the Conference of Ohio Municipalities plans to finance itself by having the cities retain the Conference as a consulting or service agency to the city at so much per unit of service.

*

League of Wisconsin Municipalities.—After more than seventeen years of service as secretary of the League of Wisconsin Municipalities, Dr. Ford H. MacGregor has resigned in order to give his full time to his teaching and to his work as chief of the Municipal Information Bureau of the University Extension Division. Dr. MacGregor's successor has not been announced yet.

Frederick McMillan is editor of *The Municipality*, the official organ of the League of Wisconsin Municipalities. His offices are located in the City Hall at Milwaukee.

*

Colorado Municipal League.—Dr. Don C. Sowers, executive secretary of the Colorado Municipal League and president of the American Municipal Association, reports that his organization has 79 members. This represents an increase of 18 members since January 1, 1928.

The League's legislative program this year will include a bill which will require state highways, located within the limits of incorporated municipalities, to be constructed and maintained by the state highway commission. Another bill will seek to exempt cities from payment of the state gasoline tax for gasoline used in motor vehicles or tractors owned and operated by cities. A third bill will authorize cities to operate airports and landing fields and incur indebtedness therefor.

*

Oklahoma Municipal League.—Dr. J. T. Salter, acting secretary of the Oklahoma Municipal League, reports that his organization now has 128 member cities, or an increase of 20 cities during the past year.

A survey is being made of the costs of paving in the United States. The following surveys and studies are in preparation:

1. Comparative Study of Police Forms Used in Representative Cities in the United States.
2. Municipal Histories of the State of Oklahoma.
3. Municipal Employment Standards.
4. Survey of Water Rates.
5. Scientific Appraisal of Property.
6. Uniform Municipal Accounts.
7. Standards of Fire Protection.
8. Local Indebtedness Statistics.
9. Uniform Building Code.
10. City Planning Legislation.
11. Chart of Operating Expense Account.

*

League of Nebraska Municipalities.—J. H. Hale, secretary of the League of Nebraska Municipalities, reports that his organization has 100 member cities. Thirty-five new cities have been enrolled during the year 1928.

A municipal directory giving the names of the city officials of the cities of Nebraska was published during the year. Plans are being made to revise a number of the Nebraska statutes governing municipally-owned utilities and the rights of cities, towns, and villages to sell municipally-owned utilities. An effort will also be made to secure legislation which will give authority to the cities having municipally-owned plants to extend transmission lines beyond the city limits for the purpose of supplying industries, airports and neighboring cities.

*

League of Texas Municipalities.—Harvey W. Draper, executive secretary, League of Texas

Municipalities, reports 113 member cities, which represents a gain of 9 cities during the year 1928. Membership promotion in Texas is a slow and difficult proposition. The cities are scattered over a wide area, which makes personal contact difficult.

Mr. Draper reports that a special effort is being made to get legislation allotting to Texas municipalities 15 per cent of the automobile license fees collected within the city limits. The state highway commission is sponsoring a movement for a $300,000,000 bond issue for the construction of state highways in Texas.

✣

Illinois Municipal League.—A. D. McLarty, executive secretary of the Illinois Municipal League, reports that his organization has a heavy legislative program for the coming year which includes, among other things, the following items:

1. An amendment to the Illinois Commerce Commission Act of 1921 making it mandatory for the Illinois Commerce Commission to compile, publish and issue to interested cities comparative public utility rates in effect in all Illinois cities, villages and incorporated towns.

2. If a gasoline tax in Illinois be adopted it shall be divided on the basis of one-third to the state, one-third to the county, and one-third to the cities, villages and (incorporated) towns; the distribution in each class to be made in proportion to the amount of motor vehicle license fees collected by the state within each particular governmental jurisdiction concerned.

3. A law authorizing the establishment and maintenance of municipal utility districts for public utility services, including water, gas, light, heat, power, and transportation, similar to the creation of sanitary districts.

4. A law placing the control over buses operating solely within cities, villages, and incorporated towns, exclusively under the officials of the particular municipality concerned, this control to include both rates, service, routing, and to authorize municipalities to impose an annual tax per bus to be used for the maintenance of streets.

5. A law authorizing cities, villages and incorporated towns to exercise the power of excess condemnation for local improvement and city planning purposes.

6. A constitutional grant of home rule to the municipalities of Illinois which will enable them to exercise all reasonable powers of local self-government, and permit each municipality to frame and adopt such a plan of government as it may desire.

7. An amendment to the Motor Vehicle Act to make it unlawful for any person to operate a motor vehicle without a license issued to him by the state authorities after proper examination.

8. An act to increase the bonding power of municipalities from $2\frac{1}{2}$ per cent to 5 per cent on full valuation, upon referendum to the voters.

✣

League of Virginia Municipalities.—Morton L. Wallerstein reports that his organization has 72 member cities and towns, a gain of 9 during the year 1928. Plans are being made for legislation under the new constitutional provisions relating to excess condemnation and exemption of industrial enterprises from taxation. The League will probably also endeavor to have the Plat Act made available to towns and to have the counties empowered to prepare zoning regulations. The League of Virginia Municipalities will make its perennial attempt to secure a constitutional provision concerning special assessments at the next session of the legislature.

✣

League of California Municipalities.—The veteran secretary of the League of California Municipalities, William J. Locke, reports that his organization has 240 members. A uniform plumbing code has been prepared and mailed out to the member cities.

✣

League of Missouri Municipalities.—Russell Voertmann, executive secretary of the League of Missouri Municipalities, reports that his organization has a membership of 21. This represents a gain of practically 100 per cent during the past year.

The first annual convention of the League of Missouri Municipalities, held at Columbia, October 20, passed a resolution authorizing a service bureau to be established at Jefferson City to promote the legislative program of the League.

✣

New Jersey State League of Municipalities.—Sedley H. Phinney, executive secretary of the New Jersey State League of Municipalities and director of the Bureau of Municipal Information, reports that his organization has a membership of 189 cities. This represents a gain of 13 during the year 1928.

A model zoning ordinance has recently been prepared and furnished to the member cities. The work was done by a special committee of lawyers who were compensated for their work. A special bulletin on the success of zoning in the New Jersey municipalities is in preparation. A comprehensive city planning bill is in preparation based upon the police power and following closely the New York Planning Act.

The New Jersey Police Academy will open January 2, 1929, with a four weeks' course for forty men, and the same course will be given in February for another group of forty men. Applications for the training must be accompanied by a letter of appointment from the mayor or director of public safety. The permitted quota is three students from first class cities, two from second-class cities, and one from other municipalities. There will be little or no expense involved, as room and board, equipment and ammunition will be furnished gratis by the state police. The school is organized and is under the direction of Col. H. N. Schwarzkopf, superintendent of state police.

◆

Michigan Municipal League.—Harold D. Smith, director of the Michigan Municipal League, makes an excellent report on the development of his organization. It should be remembered that the Michigan Municipal League was on the inactive list until November 1, 1927, when Mr. Smith was appointed director.

A legislative program of great importance has been formulated by the legislative committee. This program covers the following points:

1. Amendment to the tax law so that personal property taxes will be given preference over existing mortgages and liens in case of foreclosure.
2. A more equitable distribution of either the gasoline tax or the automobile tax.
3. Legislation to give the municipalities a share of the tax on land contracts, mortgages, bonds, etc.
4. Legislation requiring compulsory automobile insurance after the fashion of the Connecticut plan.

◆

League of Kansas Municipalities.—The League of Kansas Municipalities reports a total membership of 472 cities. Thirty-six cities joined the League during the year.

The League's auditing and accounting department which is under the direction of W. C. Hail, senior public accountant, made audits for forty-one cities and boards of education during the year 1928. Of these forty-one, thirty were new clients. The League has revised city ordinances for fifty-eight municipalities. The ordinances for thirteen cities were revised during the year 1928.

The League of Kansas Municipalities is sponsoring a municipal code revision commission which will revise the state statutes relating to cities. It is also asking for $2,000 per mile for each mile of improved state highway street, $500 per mile of unimproved state highway street, $500 per mile or fraction of a mile of unimproved state highway street in the city limits, and $500 for each city not having any state highway connection.

◆

League of Oregon Cities.—We are pleased to announce that the League of Oregon Cities has been reorganized with J. L. Franzen, city manager of Oregon City, as secretary. Mr. Franzen is interested in receiving information concerning the work of the various state leagues of municipalities.

One of the big jobs confronting the new organization will be to watch every attempt of the state legislature to encroach on the home rule powers of the cities of the state.

NOTES AND EVENTS

EDITED BY H. W. DODDS

St. Louis Plans River Front Improvement.—No better example could be cited of the technical progress of city planning in the United States, as illustrated in a definite plan for a single project of magnitude, than the plan for the central river front of St. Louis, presented in a booklet of forty pages by the St. Louis City Plan Commission, Harland Bartholomew, Engineer. This report is a fine example of constructive imagination applied to the solution of what has heretofore been a baffling municipal problem. It points the way to the solution of other modern problems in our great metropolitan centers of population.

The plan is the result of nearly two years of careful study. The present conditions from Third Street to the River opposite the Central Business District are the result of (1) the westward growth of St. Louis, due to the decline of early forms of river traffic; (2) inaccessibility of the river front, the streets being narrow and of heavy grade; and (3) obsolescence of many buildings.

The improvement of the St. Louis river front has been a subject of public discussion for a quarter of a century. The chief advantages secured through the plan are stated as (1) improvement in circulation through the increased street capacity; (2) parking space for automobiles and garage facilities on a large scale, the plan including provision for more than 8,000 automobiles; (3) stabilization of property values at the eastern end of the business district; (4) the checking of undesirable shifting of the business district; (5) utility and appropriate beauty combined, in that the proposed approaches to St. Louis by land and by water will be attractive and inviting.

Special mention should be made of the widening and double-decking of Third Street to a width of 140 feet from Poplar Street to Morgan Street. This is in some respects the most significant feature of the whole enterprise.

The total cost of the plan is estimated at $50,000,000, and is divided into two parts, following a natural construction program. The first provides for the double-decking of Third Street and approach thoroughfares and amounts to $19,000,000; and the second, for the River Front Plaza, amounts to $31,000,000.

It is proposed to meet the cost of this great single city planning project by a combination of public bond issue, special assessment benefits, and the resale or lease of certain properties, appropriately safeguarded. The report recommends an amendment to the state constitution, authorizing excess condemnation, which would permit the taking of additional land beyond that actually needed for the improvement, the extra land to be leased or resold under conditions to insure its development in harmony with the public improvements.

The controlling conditions, both physical and economic, are clearly set forth, the argument for the project is convincingly presented, and the illustrations, plans, cross-sections and sketches are all of marked merit, and so arranged as to give an adequate basis for judging the project. The frontispiece drawn by Mr. Hugh Ferriss, the well known artist, gives an excellent conception of the utilization of the River Front Plaza as it has been visualized by the City Plan Commission.

John Nolen.

Cambridge, Massachusetts.

◆

A Subway for Milwaukee.—A transportation survey of the metropolitan district of Milwaukee, Wisconsin, made in 1928 by the McClellan and Junkersfeld Engineering and Construction Company, recommends that Milwaukee build a subway as the solution of its traffic problem. The study is understood to have been financed by the local transportation company. Opposition to the report and limited financial ability of the city to undertake new projects have prevented the city council from taking any action on this project to date.

While the survey may be considered a "transportation study" of the area, it is primarily a survey of influences of any sort which are now affecting or which may affect in the future the successful operation of the present transit facilities of the city. It is a painstaking and voluminously detailed work, however, packed with a mass of data as to living conditions, and reveals more than any other survey the general condition of the city and its inhabitants.

One peculiarity of Milwaukee deserves mention here. Milwaukee is one of the most congested cities in the United States. It is not until cities of more than a million people are considered that one will find density of population much in excess of Milwaukee. At the same time, the industries of the city are widely distributed throughout the entire metropolitan district, and of the total number of persons employed only 40 per cent work in the central business district. Of these 12 per cent come to work in private automobiles, 27 per cent walk, and 61 per cent are carried by public transportation agencies.

From the transportation company's point of view, the real solution of Milwaukee's traffic problem, says the report, will lie in the construction of a subway, and it is suggested that the city might furnish the capital to carry on this work. This question of financing is delicately handled by reviewing the situation in New York City:

> No city should take up the study of plans for rapid transit without contemplating the possibility that private capital may not be available for the whole project. New York City in developing its subways found itself in the position of regarding the subway as an underground street which it had to provide at its own expense just as it provided surface streets. Having done this, it found that arrangements could be made with private capital to lay tracks and operate cars in these subway streets just as they had been doing on surface streets.

Vincent and Paula Lynagh.
Milwaukee Citizens' Bureau.

◆

Philadelphia Begins Drive for City Manager Charter.—As a consequence of the campaign begun last autumn by the Committee of Seventy, a bill has been introduced into the Pennsylvania legislature to permit the people of Philadelphia to adopt a city manager–proportional representation charter for their city. If the bill passes it will establish an optional form of government for the city for possible adoption by the electorate. The measure follows closely the existing charter, making in general only those changes which are necessary to revise the method of election of the council and to provide a manager as chief executive instead of a mayor.

Walter J. Millard has been retained by the local committee to assist in the passage of the bill by the legislature. Political leadership in Pennsylvania is in considerable confusion, which fact may or may not assist the bill, and it is impossible at this early date to foretell what the action of the legislature will be. A more complete review of the measure as finally introduced will be given in next month's issue.

◆

City Manager Sherrill Congratulated.—When Col. C. O. Sherrill, city manager of Cincinnati, opened his newspaper on Christmas morning, he found himself confronted with a double-page Christmas greeting from forty-five prominent business men and firms who had taken this method of expressing their appreciation for what he has accomplished for the city. In wishing Colonel Sherrill a merry Christmas and a new year of continued official achievement, the Christmas greeting read:

> Having neither the profession of politics nor the zeal of a partisan, you have been at liberty to plan without repression and carry on without partiality. You have constructed like a builder for the benefit of the people, and the people are not unmindful of it nor are they unappreciative of the wisdom and disinterestedness with which you have wrought. They see the effects of your ability, the results of the ripened richness of your experience, constructively applied on every hand, and call the whole of it good.

◆

Traffic Study for New York City.—Mayor Walker was authorized on November 26 by the board of estimate to engage the professional services of the engineering firm of Day and Zimmerman to make a comprehensive traffic survey for New York City; such a project goes hand in hand with the work of the Walker administration in establishing a city plan commission for New York.

Already the police department and the department of plant and structures are collecting data on traffic. Such data include counts of the number of vehicles using city bridges and thoroughfares, figures as to the relative proportion of commercial and pleasure vehicles, etc. It is Mayor Walker's idea to have the entire subject of traffic congestion studied and recommendations made as to the best methods for improving present conditions and providing for future demands. Such projects as the proposed tri-borough bridge, vehicular tunnels under the East River, and trunk highways will be considered in this survey. Unofficial estimates have it that the cost of the survey will approximate $100,000.

◆

Stanford University has arranged a course of lectures on city planning for the seniors and graduate students of the two departments of civil engineering and art. Dr. Carol Aronovici, city planner, will have charge of this course, which will consist of a series of lectures and discussions, covering the field of city planning in relation to engineering work, and the arts as applied to city development.

*

Early in January, the city of East Detroit, Michigan, adopted a home-rule-manager charter by a vote of five to one. East Detroit has a population of eight thousand and lies northeast of Detroit in the suburban area.

*

Third Institute of Municipal Affairs.—On January 16 and 17, the Bureau of Municipal Affairs at Norwich University held, at Montpelier, Vermont, its third institute of municipal affairs. City planning and zoning, municipal budgets, airports, and the council-manager form of government were the chief topics of discussion. Governor Weeks attended the institute and presided at one session.

*

Attacks on County Government Renewed.—Criticism of county government is no longer a monopoly of temperamental and imaginative reformers. Hard-headed public officials are becoming conscious of its weakness, and the knowledge that rural government may be unbusinesslike, shiftless, and even grossly corrupt, is growing.

One of the last to join the ranks of county government reformers is State Controller Morris S. Tremaine of New York, who for several months has been conducting a drive for a general overhauling of town and county affairs within the state. Taking Schuyler County, a wholly rural county and one of the smallest in the state, as an example, Mr. Tremaine discloses that there have been minor irregularities, many acts and practices reported as irregular, and at least one operation of major importance by the county officials involving what appears to have been the secret purchase of buildings on the county fair grounds after the land had already been purchased by the county. The controller further points out that the cost of administering the government of the county has increased 141 per cent from 1914 to 1928, while in the same period the general expenditures of the state increased but 45 per cent, and that in large part due to the increased contributions by the state to the municipalities. In this time, contributions by the state to Schuyler County increased 50 per cent, demonstrating clearly the interest of all the people of the state in the administration of the government in even the smallest county.

*

Detroit Controls Pedestrians.—Efforts to control the pedestrian thus far attempted in American cities have generally proved ineffective, and he remains about the last great American institution as yet unregulated. His freedom, however, seems to be doomed, if the recent experiment by the Detroit police during the holiday shopping season is to find acceptance in other cities.

During the days of the Christmas rush the sidewalks of a part of the busy Woodward Avenue were divided into three traffic lanes by painted boundary lines. The inside lane was for window-shoppers, the other two for north- and south-bound pedestrians.

To control and assist pedestrians in crossing a busy street corner at rush hours, a new signal device never used before in any other city was installed at Woodward Avenue and State Street, where foot traffic is heavier than in any other part of the city. The signal is designed to supplement and supplant the amber light now used as a warning. The pedestrian signals are coördinated with the vehicular traffic signals. On State Street the pedestrian signal flashed nine seconds before the traffic switched to red. Because of the greater width of Woodward Avenue, the pedestrian warning signal flashed eleven seconds before the traffic light switched to red.

Reports are that the pedestrian lanes and warning signals worked satisfactorily, and that their use on busy Saturday afternoons and holiday seasons will be extended to other congested points throughout the city.

*

County Government Reform Proposed in Ohio.—Constitutional and statutory changes which will make for efficiency in county government in Ohio were proposed at a forum on county government held in Cincinnati, January 14, under the auspices of the Cincinnati League of Women Voters, the Women's Club of Cincinnati and the Cincinnatus Association. While the forum dealt with matters pertinent mainly to Cincinnati and Hamilton County, the general problem of county government in Ohio was considered as well.

One of the main speakers was Charles E. Merriam of the University of Chicago who discussed the general problem of governing metropolitan areas. As a means of reducing waste in overhead in city administration he recommended the annexation of nearby suburbs. Among public officials who addressed the forum were Mayor Murray Seasongood of Cincinnati, representing the large cities, and Mayor H. H. Baker of Norwood, a city of 25,000 completely enclosed by Cincinnati, Clifford E. Brown, commissioner of Hamilton County, and Samuel Ach, treasurer of Hamilton County. Mayor Seasongood spoke on public works and regional planning and deplored the lack of extraterritorial powers of such large cities as Cleveland and Cincinnati.

Other speakers devoted their attention to specific cures for present governmental ills. E. L. Bennett, Director of the Municipal Research Bureau, University of Cincinnati, spoke on the constitutional possibilities of remodeling county governments. He said that the existing deficiencies in Ohio county government were due largely to failure to recognize that different counties face different problems. At present the statutes dealing with county government are uniform for all counties of the state, regardless of whether they are urban or rural. The first need of Ohio, he said, is for a constitutional provision which will permit the state legislature to exercise discretion in establishing the forms of county government. As an alternative for this he suggested home rule for such counties as Hamilton and Cuyahoga, the large, metropolitan counties of Ohio. The short ballot and a thoroughgoing reorganization of county government administration were proposed by Raymond C. Atkinson of the Ohio Institute.

✣

Reorganization in the Borough of Queens of New York City.—Following his induction into office the first of the year, newly elected President George U. Harvey of the Borough of Queens, New York City, has instituted a thoroughgoing reorganization of the entire borough government. Among the various experts called in to advise was Russell Forbes, secretary of the National Municipal League, who made a survey of the purchasing and contracting system followed in the borough office. As a result of this survey many recommendations were made for improving the system. Mr. Forbes in his report to President Harvey characterized the system of passing open market orders as "the most slipshod he had ever examined in his study of municipal purchasing." He went on to say:

"The most flagrant weakness is the lack of competition on orders. As stated below, the borough president's office last year issued nearly 8,000 open market orders, totaling over $1,500,000, with less than an average of two competitive bids on each order. On fully one-half of these orders only one bid was received. The total number of open market orders could be reduced about 50 per cent, and lower unit prices could be secured, by pooling the requirements of the various bureaus into large contracts. The Borough of Queens is also paying higher prices than necessary on contracts because of the cumbersome and slow method of making payment. These major weaknesses are traceable to the system in operation, rather than to dishonesty on the part of those charged with the purchasing and contracting function."

The following recommendations were made by Mr. Forbes:

1. *To stimulate greater competition:*

All bid sheets on open market orders should be prepared in the purchasing division instead of in the bureau making the requisition.

Every potential supplier should be given an equal chance to bid on all future orders. A minimum of ten bid sheets should be sent out on each order, instead of four as at present, which leads to favoritism.

A complete supply list, classified by commodities and cross-indexed by vendors, should be compiled. Every potential supplier should be included on this list at his request.

A bulletin board should be installed in the purchasing division. A copy of every pending order should be posted on this board, to permit any firm to examine it and to submit a bid on any order in which it is interested.

All bids should be submitted sealed, and opened in public at a time and place stated in advance. At present, bids are submitted unsealed, and may be changed after submission. This obviously facilitates favoritism and political manoeuvering.

All bids, when opened, should be tabulated, and filed with the record of purchase in the auditor's office.

Quotations should be secured by telephone only in emergencies. Submission of bids by telephone tends to promote favoritism.

2. *To facilitate the placing of larger and fewer orders:*

Each bureau should submit monthly estimates of its total requirements.

Each requisition now leads to a separate order. Some orders are less in amount than the overhead cost of the paper work involved in the purchasing and paying procedure.

Each bureau should be required to estimate its requirements in staple commodities from now until the end of the fiscal year.

Wherever possible, these estimates should be consolidated into large orders, or into contracts if the aggregate amount in any commodity is over $1,000.

A record of past purchases should be compiled, to show the price trend in any given article, and to determine whether bids are too high and should be rejected.

3. *To improve the letting of contracts and their specifications:*

The contract clerk and his assistant should be assigned to the purchasing division, to assist in the general duties of that office, in addition to their present supervision of contract orders.

A copy of the advertisement of every pending contract should be posted on the bulletin board, to permit any interested contractor to submit a bid.

A group of trustworthy engineers should be assigned to a careful study and revision of the specifications used for public works contracts by the past administration. If necessary, a corps of reliable outside engineers should be employed.

4. *To speed up payment on contracts:*

All vouchers for open market and contract orders should be prepared by the auditor of accounts. The Borough of Queens owes contractors for deliveries made, in some cases, as far back as 1924. This situation is due largely to delay by the various bureaus, which now have all authority to prepare vouchers on contracts.

5. *To facilitate transfers of supplies, materials and equipment between bureaus:*

An inventory should be made to determine the quality of matériel which is now surplus in the various bureaus, but which is available for transfer to other bureaus. Wherever possible, such surplus stock should be transferred in lieu of the purchase of new matériel.

President Harvey, upon receipt of this report, announced that these recommendations would be put into effect immediately. It is believed by Mr. Forbes that a saving of $100,000 per year will be made, as a result of the adoption of these recommendations.

◆

A Planning Board for Greater New York.—The statutory set-up of a planning board for greater New York, prepared by E. M. Bassett, was presented to the New York City board of estate and apportionment by Mayor Walker on January 10.

Readers may recall that Mr. Bassett's appointment as a special corporation counsel to prepare this set-up, was announced by Mayor Walker on November 13 and was reported in the December REVIEW. The set-up proposes an amendment to the home-rule charter of greater New York City. In order to avoid the necessity of referring this charter amendment to a popular vote, and thus delaying the establishment of the new board, it is contemplated that an emergency message will be secured from the governor and favorable vote of two-thirds of each house of the legislature will be obtained in order to pass this amendment as an emergency act. The amendment proposes a board of three members. One of them is to be the chief engineer of the board of estimate and apportionment, to serve ex officio. The other two members are to be appointed by the mayor for four-year overlapping terms, one of the appointed members thus going out of office every two years. The salaries are to be fixed by the board of estimate, and it is strongly recommended by Mr. Bassett that they be not less than $15,000 per year.

The chief duty of this board will be to prepare a master plan of the city which is to be used as a guide for all changes to be made in the layout of the city in the future. This will affect not only streets, bridges, tunnels, parks, rapid transit routes and the like, but will also be the basis for any system of comprehensive zoning which is to be established. After the master plan has been prepared, whenever changes are to be made in the official city map or the building zone maps, hearings will be held before the planning board, thus relieving the board of estimate of an immense task. The board of estimate will continue to vote the changes which are to be proposed, but proposed changes can be altered by the board only by a vote of 12 out of its total vote of 16. Failing this vote, they must be adopted or rejected unchanged. In this way it is hoped that the planning board will not be relegated to the position of a mere advisory body, and thus gradually become obsolete. In preparing its master plan it is recommended that the board use the statistical and planning material recently assembled and published by the Regional Plan of New York and Its Environs. The Regional Plan committee, by gathering this immense amount of material has relieved the proposed planning board of a great deal of the necessary preparatory work. Thus it is contemplated that the new board can really become effective within eighteen months, instead of several years as would ordinarily be the case.

THE BOARD OF ESTIMATE AND APPORTIONMENT OF NEW YORK CITY

By

JOSEPH McGOLDRICK
Department of Government, Columbia University

Supplement to the
NATIONAL MUNICIPAL REVIEW
February, 1929 Vol. XVIII, No. 2

PUBLISHED BY
NATIONAL MUNICIPAL LEAGUE
261 Broadway, New York, N. Y.

THE BOARD OF ESTIMATE AND APPORTIONMENT OF NEW YORK CITY

BY JOSEPH McGOLDRICK

Department of Government, Columbia University

NEW YORK CITY is so extraordinary a place that no one is surprised to find even its government uncommon. But few realize how unique its board of estimate and apportionment is. The size of its undertaking would not alone make it different, though there are few national governments with budgets exceeding $600,000,000, and with borrowings of $150,000,000 more each year. These operations exceed those of the five largest states of the union combined. The really significant features regarding this body are its unusual ex officio composition, its development of an elaborate staff of advisors and investigators, and the process by which it has come to overshadow completely its companion, the board of aldermen. Its curious evolution has been, as things go in government, rapid. Nor has it ceased to grow and alter.

PERSONNEL OF THE BOARD

The board has eight members. No one is elected to the board of estimate. Of its eight members, three are elected by the entire city to be, respectively, mayor, comptroller, and president of the board of aldermen. The other five are presidents of the five boroughs into which the city is divided, these being coterminous with the five counties which form Greater New York. All are elected for four-year concurrent terms. The salaries of the mayor and comptroller are each $25,000 a year. The others receive $15,000 per annum. The mayor, the comptroller, and the president of the board of aldermen have three votes each. The borough presidents of Manhattan and Brooklyn have two votes, the other borough presidents one each, a total of sixteen for the entire board.

Each member of the board, except the president of the board of aldermen, is the head of a huge establishment of a thousand or more employees. In the case of the mayor, the number, of course, is many thousands. This means that these members can call upon their own engineers and other experts to equip them with the widest variety of information upon matters appearing on the board's calendar. Secondly, all but the mayor and the president of the board of aldermen have deputies whom they may send to represent them at any meeting of the board or in any other capacity, and the deputy has all the power of his chief, including the right to cast his vote. Finally, the board has built up, in the last thirty years, a well-trained staff, now numbering over two hundred, to assist it in its work. This staff, aside from occasional invasions of the administrative field, has been largely reserved for informational and investigatory work. More than anything else, it has enabled the board to hold up its end while legislative bodies, national and local, have been rapidly losing control over administrative work. It is worth noting that not even the United States Congress itself has anything comparable in the way of staff facilities, not to mention the individual opportunities, which the members of the New York City board of estimate have for securing expert advice and information.

The composition of the board bears certain limited similarities to the commission form of government. It has had its own independent evolution, however, and there is nothing to indicate that it has been influenced by or has itself influenced the progress of that plan of administration. It differs also in that it has within its commission structure all the distinguishing organs of the mayor-council plan as well. How this governmental hermaphrodite lives and functions it will be the purpose of this pamphlet to explain.

THE EVOLUTION OF THE BOARD

The present broad powers of the board of estimate and apportionment are not adequately indicated by its name. The estimating of the requirements of the various branches of the city government and the apportioning of funds in accordance therewith constitute but a small part of the many functions which it now performs. The board of estimate is, in fact, the board of directors of the municipal corporation of New York, and as such determines the policies of the city with reference to all financial matters, assessable public improvements, franchises, privileges, and permits. Its control over these matters is almost absolute. The acquisition of these and other important powers will be discussed later.

A brief examination of the origin and history of the board shows, however, that until within comparatively recent years its function was simply to prepare estimates of the cost of government and not to exercise any administrative or legislative functions. Probably the first board with this name was a "board of estimate and apportionment" consisting of the commissioners of the metropolitan police and the comptrollers of the cities of New York and Brooklyn. This board was established in 1864 to estimate the expense of conducting "the metropolitan police district of the state of New York," which embraced the then independent cities of Brooklyn and New York, and to apportion the expense to the various units within this district; its authority was limited to the expenditure for police service.

Under the Tweed régime a board of apportionment was created in 1871, consisting of the mayor, the comptroller, the commissioner of public works (Tweed), and the president of the department of public parks. Up to this time it had been the practice of the legislature to appropriate specific amounts for each department of the city government. The act of 1871 provided an assessment not to exceed two per cent on property valuations. The board of apportionment was to apportion the revenue from this tax among the various departments of the city and county governments.

Under the reform charter of 1873, the mayor, the comptroller, the president of the board of aldermen and the president of the department of taxes and assessments constituted a board of estimate and apportionment to estimate the expense of conducting the city and county of New York. The tax rate was then based upon this estimate. This was apparently the first board of the name with authority to estimate the requirements of all city departments, but it had no power of final enactment. In 1893 the corporation counsel was added.

The revised charter of 1901 reconstituted the board to consist entirely of the elective officials who at present compose it, and increased its importance as an administrative body. Not only was it the chief budget-making and financial body but with the abolition of the board of public improvements the board of estimate succeeded

TABLE I

PERSONNEL OF THE NEW YORK CITY BOARD OF ESTIMATE, 1902–1929

Year	Mayor	Comptroller	President of the Board of Aldermen	Borough Presidents				
				Manhattan	Brooklyn	Bronx	Queens	Richmond
1902	*Low, Seth* **	Grout, Edw. M.	Fornes, Chas. V.	Cantor, Jacob A.	Swanstrom, J. Edw.	Haffen, Louis F.	Bowley, Frank	*Cromwell, George*
1903	"	"	"	"	"	"	"	"
1904	McClellan, George B.	*	"	Ahearn, John F.	Littleton, M. W.	*	Cassidy, Joseph	*
1905	"	"	"	"	"	"	"	"
1906	*	Metz, Herman	McGowan, Patrick	"	Coler, Bird S.	*	Bermel, Joseph	*
1907	"	"	"	"	"	"	"	"
1908	"	"	"	"	"	"	"	"
1909	"	"	"	"	"	"	Gresser, Lawrence	"
1910	Gaynor, W. J.	Prendergast, W. A.	Mitchell, J. P.	McAneny, George	Steers, Alfred	Miller, Cyrus E.	"	*
1911	"	"	"	"	"	"	"	"
1912	"	"	"	"	"	"	Connolly, Maurice E.	"
1913	"	"	"	"	"	"	"	"
1914	Mitchel, J. P.	*	McAneny, George	Marks, Marcus	*Pounds, Lewis*	*Mathewson, Douglas*	"	VanName, Calvin
1915	"	"	"	"	"	"	"	McCormack, Chas. L.
1916	"	"	"	"	"	"	"	"
1917	"	"	Dowling, Frank L.	"	"	"	"	"
1918	Hylan, J. F.	Craig, Chas. L.	Smith, Alfred E.	Dowling, Frank L.	Riegelman, Edward	Bruckner, Henry	*	*
1919	"	"	Moran, Robt. L.	"	"	"	"	"
1920	"	"	*	"	"	"	"	"
1921	"	"	"	"	"	"	"	"
1922	*	*	Hulbert, Murray	Miller, Julius	*	*	*	Cahill, M. J.
1923	"	"	"	"	"	"	"	Lynch, John A.
1924	"	"	"	"	"	"	"	"
1925	"	"	Collins, Wm. T.	"	Guider, Joseph	"	"	"
1926	Walker, J. J.	Berry, C. W.	McKee, J. V.	*	*	*	*	*
1927	"	"	"	"	Byrne, James J.	"	"	"
1928	"	"	"	"	"	"	Patten, B. M.	"
1929	"	"	"	"	"	"	*Harvey, G. U.*	"

* Reëlected.   ** Italics indicates Republicans, all others, Democrats.

to the functions of that body. The latter had existed in the old city of New York during the 'eighties and 'nineties, and had been reconstituted at the consolidation of the city in 1898. Thereafter it consisted of all the officers who were members of the board of estimate plus the six commissioners in charge of water supply, highways, street cleaning, sewers, parks, and bridges—that is to say, city-wide and local improvements. When this board was abolished in 1901, the supervision of highways, sewers, and public buildings was decentralized and placed in the hands of the borough presidents. Financial control over all these matters was transferred to the board of estimate. Four years later, in 1905, the control of franchises was added to the jurisdiction of the board. A shadow of this power still belongs to the aldermen, but the board of estimate now has power to amend, revise, or repeal any franchise granted by the aldermen, and it has sole jurisdiction over franchises for the use of streets for purposes of transit or communication.

Since 1916 the board has also had charge of the city's zoning regulations. This likewise was acquired at the expense of the board of aldermen, which had dallied with the problem of building heights for over a decade. The board of estimate now adopts and amends use, height, and area maps, though the board of standards and appeals, appointed by the mayor, may relax these and other building requirements in specific instances. In 1920, when the city employees' retirement system was created, the board of estimate was made trustee with important discretionary powers. Lastly it was made a coördinate branch with the board of aldermen in the municipal assembly, formed in 1925 to exercise the city's home-rule powers then acquired.

THE MEETINGS OF THE BOARD

The board holds two principal meetings each week from October to July, with usually one or two meetings during the summer. Monday it sits as committee of the whole in a large room adjoining its formal chamber. The members are gathered at a long table, with their secretaries and various department officials in adjacent seats. The room is frequently thronged with citizens advocating or opposing various measures. At other times the board sits in executive sessions and the public is excluded. Nothing adopted at these Monday meetings is final. The items passed are placed upon the calendar of the meeting of the board itself which takes place on Thursday, beginning in the morning and lasting sometimes until late afternoon. For both meetings, elaborate calendars are printed for the members and the public. These often fill two or three hundred pages and may contain as many as a thousand items. The number of matters pending before the board at any one time on occasion amounts to as many as five hundred. During the year 1928, twelve thousand items were disposed of. All action of the board is taken by resolutions adopted by a majority of the whole number of votes, except for certain financial matters, which require twelve votes or even unanimity. A quorum of the board consists of a number sufficient to cast nine votes. At least two of the three-vote members must be present. All the members, except the mayor and the president of the board of aldermen, may be and frequently are represented by their chief subordinates.

THE BOARD'S ORDER OF BUSINESS

Some notion of the character and volume of the board's business may be gleaned from its regular order of business:

1. Roll call.
2. Approval of minutes of previous meetings.
3. Public hearings (including hearings adjourned).
    (a) On changes in the city map.
    (b) On areas of assessment for benefit in condemnation proceedings.
    (c) On franchises.
    (d) On dock, water front, and terminal proceedings.
    (e) Miscellaneous proceedings.
4. Matters laid over on which public hearings are not required or have been closed.
5. Reports.
    (a) From standing committees.
    (b) From select and special committees.
    (c) From the department of finance.
    (d) From divisions of the board.
    (e) From city, borough, county, and state officials.
6. Communications, petitions, etc.
    (a) From citizens and public bodies.
    (b) From city, borough, county, and state officials.

The board is at all times on terms of lively familiarity with those samples or spokesmen of the public who throng its chamber. The members, seated at a semi-circular table on a dais above the level of the room, keep up a running debate with the citizenry gathered at the rail. Though the board holds numerous hearings that are specifically designated as such, the tradition of free-for-all discussion is so well established that the populace is permitted to air its views on almost anything. Even when the board sits as a branch of the municipal assembly enacting local laws, the public shares in its deliberations. The members have not always deported themselves toward each other with complete decorum. Rumors of war are constant and there have been several spirited internecine conflicts. But these may be taken as a not unhealthy sign of life in the members and the issues before them.

COMMITTEES OF THE BOARD

The board of estimate in the past made generous use of the committee in its work, but at the present time there are fewer standing committees or *ad hoc* committees than ever before. The small personnel of the board frequently results in every member being on a committee, as is true of the three standing committees, but the practice of permitting members to be represented by deputies and assistants frequently gives these committees a variety of personnel and special skill that would otherwise be lacking. It is not infrequent to find a committee in session with every person present being a representative of some actual member. This highly desirable situation is made possible only by the fact that each member of the board has a more or less elaborate staff of deputies, assistants and engineers upon whom he may rely for this work. Even the president of the board of aldermen is given an assistant and several examiners to permit him to enter intimately into the work of the board of estimate.

STANDING COMMITTEES

The committee of the whole of the board arose in 1922 as successor to the powerful committee on finance and budget, headed by the comptroller, which threatened to dominate the board. The committee of the whole has so completely ceased to function as a committee that it might more properly be regarded as a preliminary session of the board's regular meeting. It has a calendar as bulky as that of the board itself. Its meetings are, however, less formal. So important are the Monday afternoon sessions of this body that the members make as much effort to be personally present as they do to attend meetings of the board itself. Many of the most im-

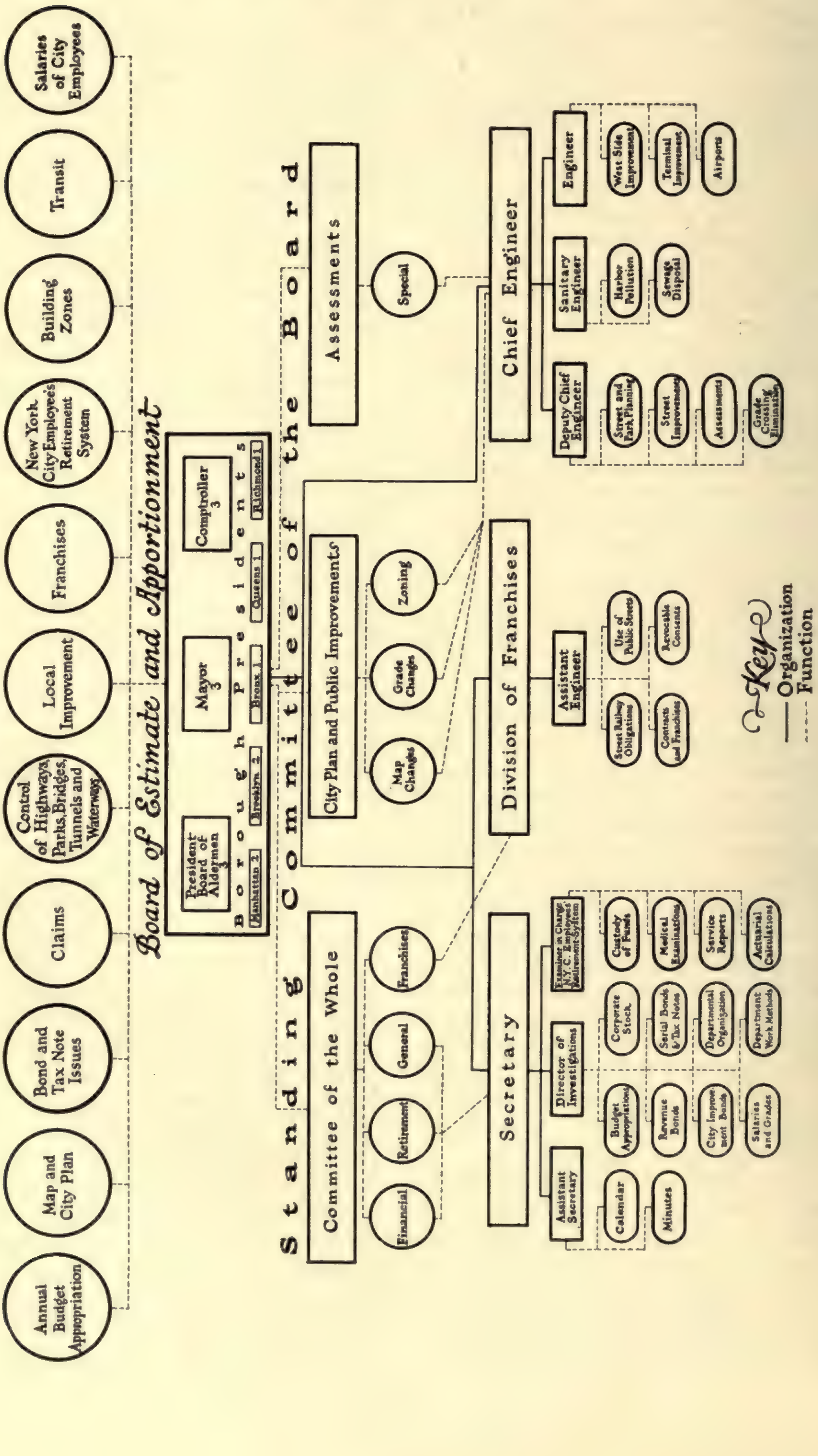


CHART I.—THE ORGANIZATION AND FUNCTIONS OF THE NEW YORK CITY BOARD OF ESTIMATE

Annual Budget Appropriation
Map and City Plan
Bond and Tax Note Issues
Claims
Control of Highways, Parks, Bridges, Tunnels and Waterways
Local Improvement
Franchises
New York City Employee's Retirement System
Building Zones
Transit
Salaries of City Employees
Board of Estimate and Apportionment
President Board of Aldermen 3
Mayor 3
Comptroller 3
Borough Presidents
Manhattan 2
Brooklyn 2
Bronx 1
Queens 1
Richmond 1
Standing Committees of the Board
Committee of the Whole
Financial
Retirement
General
Franchises
City Plan and Public Improvements
Map Changes
Grade Changes
Zoning
Assessments
Special
Secretary
Assistant Secretary
Calendar
Minutes
Director of Investigations
Budget Appropriations
Revenue Bonds
City Improvement Bonds
Salaries and Grades
Corporate Stock
Serial Bonds & Tax Notes
Departmental Organization
Department Work Methods
Examiner in Charge N.Y.C. Employees' Retirement System
Custody of Funds
Medical Examinations
Service Reports
Actuarial Calculations
Division of Franchises
Assistant Engineer
Street Railway Obligations
Use of Public Streets
Contracts and Franchises
Revocable Consents
Chief Engineer
Deputy Chief Engineer
Street and Park Planning
Street Improvements
Assessments
Grade Crossing Elimination
Sanitary Engineer
Harbor Pollution
Sewage Disposal
Engineer
West Side Improvement
Terminal Improvement
Airports
Key
—— Organization
----- Function

portant decisions of the board are made at this time and it is then that the real logrolling takes place.

The only genuine standing committees which have survived are the committee on city plan and public improvements, with the borough president of the Bronx as chairman, and the committee on assessments, presided over by his colleague from Brooklyn. These two committees succeed in screening a volume of detailed matter of no great general interest. Local improvement projects, zoning regulations, and grade changes which would affect the city map are dealt with by the committee on city plan and public improvements. The distribution of the cost of public developments on the benefited property is entrusted to the committee on assessments. Both committees consist of the entire membership of the board, though in practice they usually send deputies to the meetings. More and more the tendency is to refer important matters, which might be regarded as within their province, to the committee of the whole.

There are upwards of twenty special committees assigned to particular tasks. New ones are being constantly created and as problems trickle to solutions old ones come to an end. Examples of such committees are the committee on hospitals, whose work recently culminated in the establishment of a department of hospitals; another on park and playground sites; one on sewage disposal, which has proposed a huge sludge plant on Wards Island; another on airports; and as many others. These committees are composed in some cases of all the members, in other cases of a portion, and in still others of departmental officials or even laymen. Reports from the committee are referred by the board to the committee of the whole. In practice such committees, though occasionally important, are coming to play less and less part in the board's work. Many either never meet, or conduct their affairs so informally as not to resemble committees at all. Some continue to exist on paper because no one has ever troubled himself to suggest their abolition.

This presents a striking contrast with the board's methods ten or fifteen years ago as shown in Table II. At that time there were a large number of active committees, many of them equipped with staffs of three to a dozen persons. Perhaps the best example of the workings of a committee with specialized personnel is found in the former sub-committee on tax budget of the committee on finance which prepared the budgets from 1914 to 1918. This sub-committee consisted of a group of specialists designated by and representing various members of the committee. Many days were spent in a most minute scrutiny of the estimates presented and hearing the department heads involved.[1] It is the opinion of many well informed persons that this provided the most searching examination the budget has ever been subjected to. But in 1918 the sub-committee was abolished and the finance committee, with the comptroller as chairman, undertook to perform this task itself.

---

[1] In 1917, a typical year, the members of the sub-committee were: Robert B. McIntyre, supervising statistician and examiner, bureau of municipal investigation and statistics, department of finance, *chairman;* Leonard M. Wallstein, commissioner of accounts; Albert E. Hull, assistant to the president of the board of aldermen; Tilden Adamson, director of the bureau of contract supervision; Mrs. Mathilde C. Ford, secretary to the committee on education, board of estimate; Paul C. Wilson, assistant secretary to the mayor; J. W. F. Bennett, consulting engineer to the borough president of Bronx; and George W. Tillson, consulting engineer to the borough president of Brooklyn.

This never proved satisfactory and, after much unseemly bickering, the committee was itself abolished and the committee of the whole assumed the function.

TABLE II

ORGANIZATION OF BOARD OF ESTIMATE COMMITTEES AND STAFF, 1915

Standing committees without staff	Staff bureaus	Standing committees with staff
Organization	Records and minutes	Port and terminal facilities
Franchises	Public improvements	Education
Assessments	Franchises	Markets
Salaries and grades	Sewer plan	Social welfare
Standardization of supplies	Contract supervision	Revision of city charter
Street cleaning	Division of contracts and appropriations	City planning
Sewer plan	Division of analyzing and testing	Commission on building districts and restrictions
Transit	Standards	
Tax budget	Division of salaries and grades	
Corporate stock budget	Division of supplies	

THE BOARD OF ESTIMATE STAFF

One of the most remarkable achievements of the board of estimate is the huge staff which it has built up to aid it in its work. This organization has a personnel of more than two hundred and costs annually over half a million dollars. There is no more important or influential body in the city's fiscal structure. On a vast majority of matters, the decisions of the permanent staff become the decisions of the board of estimate. The work of the staff is divided into three sections headed, respectively, by the secretary, the chief engineer, and the engineers in charge of franchises. These, and the director of contract supervision are appointed by the board itself. All the rest of this staff are members of the classified civil service.

The largest group of functions of this elaborate secretariat are under the general supervision of the board's secretary. This officer has existed since 1906. Prior to that time, one of the deputy comptrollers acted in that capacity and the secretary of the board of public improvements, which the board of estimate inherited, was continued as assistant secretary. The secretary has charge of the records and minutes of the board, the preparation of the weekly calendars, and all the general reporting and investigating as well. The most important group under his supervision is the budget examining staff. Through its hands passes practically every matter which even remotely affects any fiscal aspect of the city's operations. Not only do the examiners scrutinize all budget proposals and all applications for other grants of money, but they pass on salaries and grades, on specifications for the purchase of supplies, and on contracts for permanent improvements, repairs, and replacements.

The budget staff of the board of estimate consists of twenty-seven examiners, eleven engineers, and three examining inspectors, with typewriting copyists, computers, etc. These are attached to the office of the secretary and work under his supervision and that of the director of contract supervision and investigations. All but a half dozen of the examiners have been in the service of the city for twenty years or more. Many of them are exceptionally well equipped for their tasks. Until 1916 this group was part of the force of the bureau of municipal investigation and statistics in the finance department and was loaned to the sub-committee or the secretary during the budget period. In that year they were transferred to the latter's office. Today they work under the secretary the year round, except that they are loaned to the budget director for the budget period.

THE CHIEF ENGINEER

The chief engineer of the board of estimate is one of the most important officers in the city government. The position was developed in connection with the board of public improvements. When that body was swallowed up by the board of estimate, its engineer went along with it. The influence of the office was vastly expanded by the able Nelson P. Lewis who filled it from 1905 to 1917. Since 1902, plans for some 12,000 physical public improvements, representing an aggregate cost of over $260,000,000, have passed through this office.

The work of the chief engineer is confined to the examination of plans prepared in the various engineering offices of the city. Under the general supervision of his deputy, a group of fifteen assistant engineers are assigned to various segments of the board's work. A mapping of the city, begun some years ago, is nearing completion. Some three hundred proposals for changes in use, height, and area zones are reported upon annually. All park acquisitions, street paving and grading projects, sewer installations, assessable improvements including the laying out of the area to be assessed, are planned or approved by this force.

The monumental $18,000,000 court house completed several years ago was constructed under the supervision of the chief engineer and, had the projected Narrows or Staten Island tunnel been carried out, it was planned to place him in charge of the work. He has power to authorize improvements recommended by the local improvement boards where the estimated cost does not exceed $5,000. In short, in the absence of an engineering department, there has been a tendency to erect the office of chief engineer of the board of estimate into a general department.[1]

The consulting function, likewise, is not overlooked. The board frequently creates special committees for particular problems or purposes and never fails to assign the chief engineer to any upon which his advice might be helpful. In many instances all of the work devolves upon him. Among others, that officer has recently served on the transit conference, the committee on transit facilities, the advisory committee on traffic relief, the West Side improvement engineering committee, special committees on the Hudson River and Harlem River bridges, and sundry others concerned with main drainage, harbor pollution, sewer capacity, city boundary line, Staten Island—New Ferry connections, and Riverside Park extensions. On the important committee on sewage disposal methods, he and the comptroller were the only members. It would be hard to find a more persuasive statement of the need for a permanent city planning body in New York than this partial catalogue of the chief engineer's duties.

---

[1] It may seem strange that New York City has no engineering department as such. It has upwards of a thousand engineers of various grades scattered through the offices of the borough presidents, the board of water supply, the department of water supply, gas and electricity, the department of docks, the board of transportation, and the department of plant and structures. This last department, formerly the department of bridges, was renamed in 1917, and some effort was made to erect it into a general engineering department (the work of building the East River bridges being then completed), but it has become rather an operating department in charge of the municipal ferries and a few bus and trolley lines.

CONSULTING ENGINEER

On November 8, 1928, the chief engineer, Charles H. Tuttle, was retired. A few days later he was appointed consulting engineer at $16,000 a year (his $5,500 pension being meanwhile in suspense). The plan is to have the consultant devote his time exclusively to the more general problems of the city such as those last mentioned, and to entrust the more or less routine duties of borough and local improvement to the chief engineer, in which post his former deputy succeeds him. This is a thoroughly desirable step. Mr. Tuttle has served the city splendidly for years and the value of his services has been universally acknowledged. In large measure the change is a mere acceptance of what had in fact already come to pass. The members of the board had learned to have such implicit confidence in his judgment that he was treated almost as if he were a member of the board itself.

SUPERVISION OF CONTRACTS

The present plan of letting contracts for public buildings is, in general, satisfactory. Prior to 1912 money was appropriated without restriction as to its ultimate expenditure. There was nothing to prevent a head of a department from spending all of the appropriation on the foundations. A few glaring abuses of this power in 1912, such as the building of the Hall of Records and Seaview Hospital, resulted in the requirement in connection with long-term bond authorizations (and subsequently one-year bonds, called tax notes) that the contracts be submitted to the board for its approval. It also led to the creation of the contract supervision staff.

Unfortunately, at the present time, the review of contracts does not include a review of the specifications accompanying them. This was the source of the recent Queens scandal. The specifications created a monopoly in a certain type of pipe by reason of which the community was mulcted of $10,000,000. A further improvement might be the employing of an outside architect to prepare a plan and to submit with it a careful estimate of cost in connection with any project before the board of estimate initiates it. The present practice is to determine how much the board will spend without more than a guess as to what can be had for the money. On the other hand, certain exorbitant retainers within the last few months have done much to discredit the employment of consulting experts.

THE GRANTING OF FRANCHISES

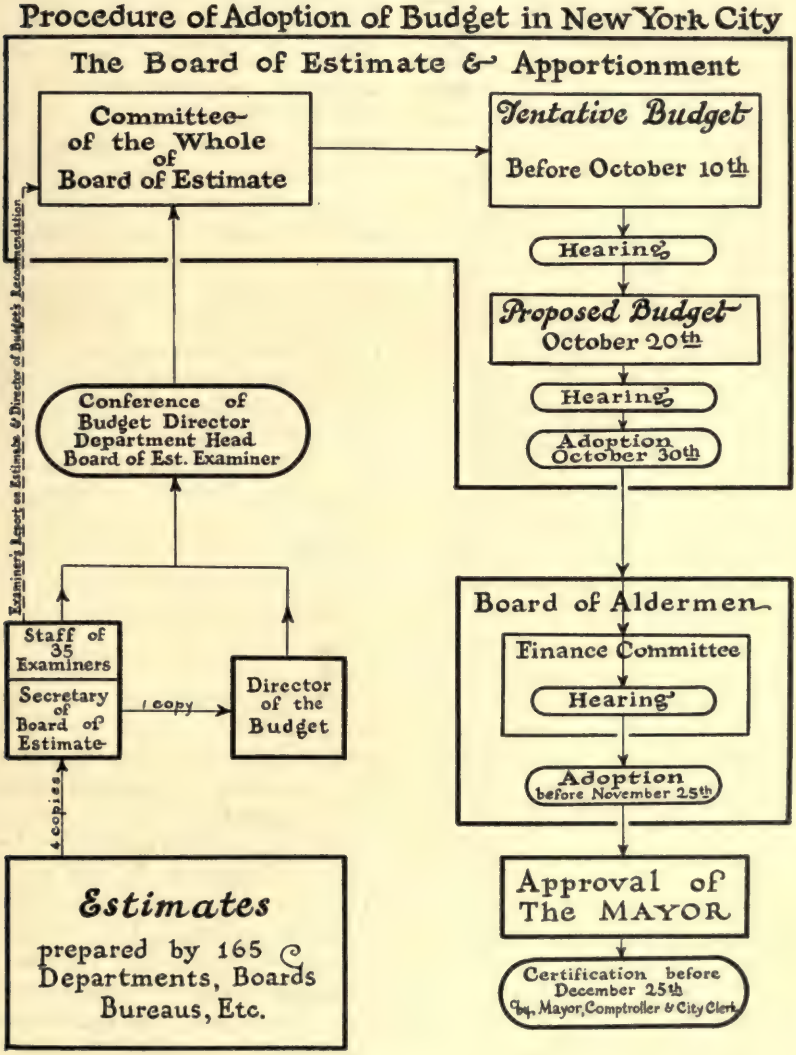
The division of franchises may be traced back to the department of finance in 1905, the year when power to grant franchises was taken from the board of aldermen and given to the board of estimate, and placed under the jurisdiction of the chief engineer. In 1911 it became an independent bureau. There has been no official change of its status since that date.

The early tendency was to develop special staffs by temporary assignment to assist a large number of standing and special committees. These tended to become permanent and to grow in size. There never has been any plan in its development. Since 1906 the secretary has been a leading figure in this work. Joseph Haag, who occupied this post for twenty years, greatly expanded its influence. In all

Haag served the city fifty years and was regarded as the best informed man on the affairs of the city. But for his age and the jealousies that crept in, he might have evolved into something comparable to the English town clerk.

The weaker units in the staff, such as the pension systems and the bureaus of contract supervision and salaries and reclassification, were brought and remain under the secretary's supervision. The chief engineer's staff and the bureau

Chart II.*—Procedure of Adoption of Budget in New York City


Procedure of Adoption of Budget in New York City
The Board of Estimate & Apportionment
Committee of the Whole of Board of Estimate
Tentative Budget
Before October 10th
Hearings
Proposed Budget
October 20th
Hearings
Adoption October 30th
Examiner's Report on Estimate & Director of Budget's Recommendation
Conference of Budget Director Department Head Board of Est. Examiner
Staff of 35 Examiners
Secretary of Board of Estimate
1 copy
Director of the Budget
4 copies
Estimates
prepared by 165 Departments, Boards Bureaus, Etc.
Board of Aldermen
Finance Committee
Hearings
Adoption before November 25th
Approval of The MAYOR
Certification before December 25th by Mayor, Comptroller & City Clerk

---

* This chart and Chart III on page 139 were prepared by the present writer for *The Finances and Financial Administration of New York City,* H. H. Lehman, editor (Columbia University Press, 1928), and are reproduced here by permission. Chart I was made specially for this study.

of franchises have never had to submit to this yoke.

There is also the regrettable tendency to develop service activities in this group rather than to reserve it for the exploratory and critical work which should be its function. The central purchasing agency, which maintains the central testing laboratory, was established on the recommendation of a commission of the board and was for a time administered by that commission. It was then, for four or five years, lodged with the board of estimate staff. It was not until 1920 that this activity was set up as a department under the mayor. The pension systems furnish a current illustration of the same tendency. Here is a routine unit of rather considerable size appended to the staff of a legislative body. In fairness it might be added that the staff, now numbering two hundred employees, has actually fifty less than the various separate staffs in 1915.

THE PREPARATION OF THE BUDGET

The most important work of the board is the preparation of the city budget. So large a volume and proportion of the city's business focuses in that document that it is appropriate to explain this procedure in some detail.

Early in the spring, the board of estimate and apportionment by resolution directs the department heads to prepare their estimates for the next year and to have them available for return to the board by the middle of July. This is communicated to the department heads by the secretary of the board in a letter containing instructions. These instructions are quite simple and brief, because there are few changes in procedure from year to year.

The charter provides that department estimates shall be submitted to the board of estimate on or before August 1. Most departments return their estimates within the required time, but the secretary receives innumerable supplementary estimates in the form of letters asking him or the board to amend this or that item or list of items in the estimates. There are one hundred sixty-five separate departments, boards, and officers submitting budget estimates. The secretary apportions these among the examiners. The assignments are prepared early in the year so that the individual examiners may know for what they will be responsible and may acquaint themselves with what is going on in these departments. So far as circumstances permit, the examiners are reassigned to the same duties year after year. In this way they acquire intimate knowledge of the operation of the departments and become acquainted with their officials. Their knowledge of departmental affairs is increased by their being engaged the year round in considering budget transfers, and the other fiscal activities of the board pertaining to the same departments. The examiners are generally in continuous touch with the departments.

BUDGET HEARINGS

When the examiner has completed his study of the estimates, he confers with the director of the budget, who summons to conference the department head concerned. The estimates are printed and are forwarded to the committee of the whole of the board, with a report containing the budget director's recommendations. The committee of the whole, consisting of the entire membership of the board of estimate, with the mayor presiding, holds hearings upon the printed estimates. Following the recommendations of the mayor's sub-committee on finance (the Lehman committee), it is expected that some slight changes will presently be made in this form of the document.[1] There has been a startling collapse of the public hearings. The contingent of indefatigable critics has grown smaller and smaller and there is very little public present at the legal hearings. This is no token of perfection in the document. Still less may it be taken to indicate universal satisfaction with the sharply mounting cost of the city's government.

The board, in practice, adopts the budget substantially as it comes from the committee of the whole. The charter requires that a "tentative budget" be prepared in printed form on or before October 10. When the budget is filed, on or before October 20, it is known as the "proposed budget." This may be decreased, but may not be increased or contain any new items. In actual practice, little but newspaper publicity results from these public conferences, and relatively little of that. At this final stage, most of the criticisms are of too general a character to be of much value. Those groups of individuals who are particularly interested and alert have made their desires known in the departments and in other ways long before this time.

THE BOARD OF ALDERMEN AND THE BUDGET

The board is required to adopt the budget on or before October 31. Occasionally this involves stopping the clock. The budget then goes to the board of aldermen, the charter stating that the mayor shall call a special meeting of that body which "shall continue from day to day until final action is taken thereon, and such consideration shall not continue beyond twenty days." The board is permitted to reduce any item or amount in the budget, except debt service and a few kindred items, subject to a veto by the mayor, which may be overridden only by a three-fourths vote. The aldermen, however, have practically foresworn their part in the budget-making. Their deliberations, far from lasting twenty days, on some occasions last but twenty minutes. Not over four or five times since 1899 has the board of aldermen made any change. It has been suggested by some that the reason why the board is so supine in its treatment of the budget is the inability to increase as well as decrease items, but this springs from a lack of acquaintance with the actual calibre of the members and the political characteristics of the body. The writer can scarcely imagine that such power would result in anything but unwelcome surprises.

The mayor must finally accept or disapprove the budget *in toto,* except for his veto of alterations made by the aldermen. On the few occasions when they have exercised their power, he has shown no hesitation in resorting to his veto. He must act before December 25. The budget is then certified by the mayor, comptroller, and city clerk, and published in the *City Record.* The financial system in New York City is much more flexible than the federal or various state budget systems, in that money may be transferred from any line in the budget to any other at any time during the year, provided only the total remains unchanged.[1]

---

[1] *Finances and Financial Administration of New York City,* pp. xix–xxiv.

[1] In adopting the budget, the board makes certain general statements of policy in the "terms and conditions of the budget." Certain significant changes respecting these were recently made by the adoption of *Local Law* No. 11, signed December 28, 1928. This provides that appropriations for park and playground purposes, municipal airport, street paving, snow removal, and anticipated claims and judgments shall not be transferable and shall be available for two years.

BOND BUDGETING

In addition to the tax budget routine, there is a much less formal procedure for the budgeting of long and short-term borrowings. New York City's bonds (apart from its serial bonds) are called "corporate stock," though they are in no respect different from the garden variety of municipal bonds. A corporate stock budget existed for a short time beginning in 1913, and has recently been revived. The departments communicate their requests to the secretary of the board of estimate, who compiles them, usually in December. In January the board makes a tentative allotment, but it reserves considerable discretion to modify this from time to time during the year. The calendar of these requests published January 7, 1929, includes applications for $100,000,000 in corporate stock and $50,000,000 in tax notes, though it does not include subways or water supply. No such procedure is required by the charter, but the board has been driven to it by sheer necessity.

THE BOARD OF ALDERMEN

The board of aldermen is the frail sister of the board of estimate. With loss of reputation has gone loss of power. It must content itself with naming and renaming streets, granting exemptions from public lettings, remitting the fees on vaults under sidewalks, and kindred subjects. The few powers it shares with the board of estimate, such as the fixing of salaries and grades, concurrence in several classes of corporate stock issues, and the selection of sites for purposes not otherwise provided for in the charter, it abdicates in favor of the other body. This is conspicuously true of its right to scrutinize budgets. In twenty-seven years it has seen fit to change but four of the budgets presented to it. Its only other major power, that of fixing the tax rate, is a mere routine. Repeated amputations have left this poor body helplessly enfeebled. Certainly one could not expect much of it in its present state, but its own ineptitude contributed heavily to its undoing. Stripped of power and prestige, the board fails to attract any but the left-overs of the district clubs. Successive charter revisions have lopped off one power after another, but none has had the courage to do this ancient dotard to death.[1]

THE MUNICIPAL ASSEMBLY

These two bodies are, in addition to their own charter functions, coördinate branches of the municipal assembly to which the home rule amendment of 1924 gave power to pass local laws or charter amendments of a somewhat limited nature. Meetings of the two branches are customarily held just prior to the regular meetings of the respective boards, with proceedings, from roll call to adjournment, quite separate from the latter. Legislation emanating from this bicameral body must receive the approval of the mayor after public hearing and be filed with the secretary of state.[2]

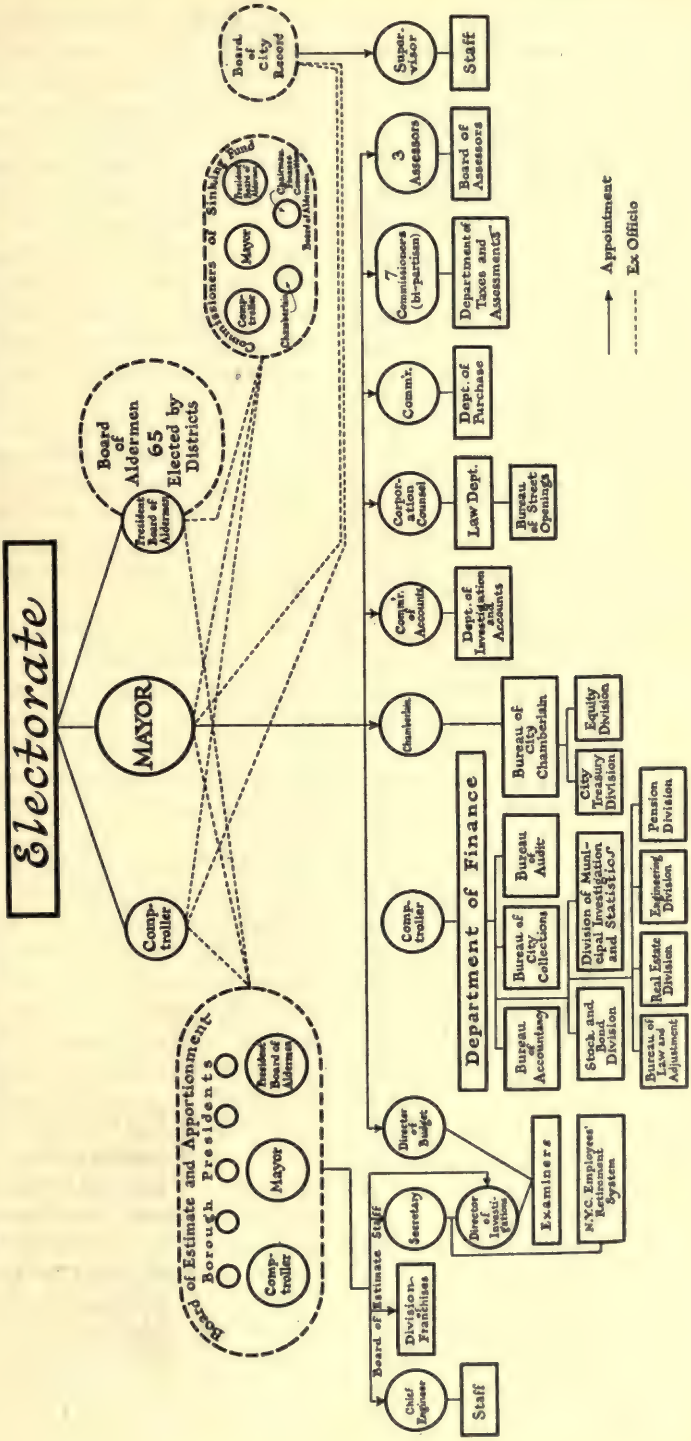
Perhaps the most significant exercise of this power was the recent creation of a city hospital department to administer twenty-seven hospitals formerly distributed among three independent departments. It was the hope of some that these new responsibilities would awaken the aldermen and attract new

---

[1] See "The Eclipse of the Aldermen" by the same author in the NATIONAL MUNICIPAL REVIEW, June, 1925; pp. 360–368, and also his "New Tammany" in the *American Mercury*, September, 1928.

[2] The secretary of state is required to publish the local laws of the various cities of the state for each calendar year. The volume of *Local Laws* is issued as a companion to the *Session Laws*.

CHART III.—THE RELATION OF THE BOARD OF ESTIMATE TO OTHER FISCAL UNITS IN NEW YORK CITY'S GOVERNMENT


Electorate
MAYOR
Comptroller
President Board of Aldermen
Board of Aldermen 65 Elected by Districts
Commissioners of Sinking Fund
Comptroller
Mayor
President Board of Aldermen
Chairman Finance Committee Board of Aldermen
Chamberlain
Board of City Record
Supervisor
Staff
3 Assessors
Board of Assessors
7 Commissioners (bi-partisan)
Department of Taxes and Assessments
Commr.
Dept. of Purchase
Corporation Counsel
Law Dept.
Bureau of Street Openings
Commr. of Accounts
Dept. of Investigation and Accounts
Chamberlain
Bureau of City Chamberlain
Equity Division
City Treasury Division
Comptroller
Department of Finance
Bureau of Audit
Bureau of City Collections
Bureau of Accountancy
Division of Municipal Investigation and Statistics
Stock and Bond Division
Pension Division
Engineering Division
Real Estate Division
Bureau of Law and Adjustment
Director of Budget
Examiners
N.Y.C. Employees' Retirement System
Board of Estimate and Apportionment
Borough Presidents
Comptroller
Mayor
President Board of Aldermen
Board of Estimate Staff
Secretary
Director of Investigations
Division Franchises
Chief Engineer
Staff
Appointment
Ex Officio

blood to that body. Four years, including two elections, have failed to produce this rejuvenation, even with the annual compensation of aldermen increased to $5,000. All of the more important measures passed or pending to date have originated in the board of estimate branch. The aldermanic contribution has been scant and insignificant.

THE COMMISSIONERS OF THE SINKING FUND

There are two other bodies whose functions are so closely related to those of the board of estimate and whose work so intimately involves several members of that board that is is not inapposite to mention them here. The commissioners of the sinking fund consist of the mayor, the comptroller, the chamberlain, the president of the board of aldermen, and the chairman of the finance committee of the body. The presence of the comptroller is required for the transaction of any business and in certain instances, such as the lease of piers or city real estate, his affirmative vote is necessary. He is also the secretary of the body and his office prepares its calendar and is custodian of its records. These commissioners are entrusted with the administration of all of the sinking funds of the city. The work is a relatively simple task because of the fact that all of the city's sinking funds are invested in its own bonds. It consists largely of approving policies recommended by the comptroller. His reports and accompanying resolutions are promptly accepted. More important than its duties pertaining to the sinking funds are the powers which this board has over the city's real estate holdings. The commissioners may sell at auction land owned by the city except parks, wharves, and land under water, or may lease land for ten years with the privilege of a ten-year renewal.[1] The body has other extensive powers relating to land under water, discontinued streets, the removal of structures on condemned land, claims arising from such removals, tax cancellations for religious and charitable bodies, the leasing of land by the city, the sale of obsolete supplies and equipment, the designation of court houses and jails, exchanges of land, and, most important of all, the leasing of the city's valuable Hudson River piers.

THE BANKING COMMISSION

There is also a banking commission, consisting of the mayor, the comptroller, and chamberlain, which meets each quarter to designate banks as city depositories and to establish the rate of interest.

A majority of the members of both these bodies are members of the board of estimate. Most of their functions are strictly financial, and therefore involve matters and policies for which the board of estimate is primarily responsible. There is some reason to feel that the work of the sinking fund commission in particular leaves something to be desired. Charter commissions and investigating committees have repeatedly recommended that these two commissions be consolidated with the board of estimate and no adequate reason has ever been given why this should not be done.

CROSS CURRENTS IN THE BOARD

The chief problem connected with the board of estimate results from the dualism which it represents. The "big three" are in constant but covert contest to subjugate the borough presidents. The three are expected by the tax-paying property owner to keep the city tax rate down. The city raises seventy-five per cent of its revenue from the tax on real property. But these same property owners want paved streets, sewers, bridges, and parkways without end. If the borough president is to satisfy his constituency he must get as much tax money as he can to be spent in his borough. This pork-barrel attitude and the log-rolling to which it gives rise can never, in all probability, be eliminated so long as there is any form of geographical representation on the board. Much of the present weakness of the board and its staff is traceable to this fact. It is hard to expect vigorous criticism of borough projects by a staff whose salaries are voted by the very officers they are asked to criticize.

---

[1] Except that land may be leased "for housing purposes" for any term that seems desirable to the commissioners. (Local Law No. 12, 1927.)

THE MAYOR

The board of estimate and its foremost member have been in constant contest not always perceptible to the naked eye or to the members themselves. The mayor has a veto over all matters requiring aldermanic concurrence. He may veto franchises approved by the board of estimate. And he has a veto upon local laws passed by the two bodies sitting as the municipal assembly even though he votes in the board of estimate branch. With the building up of the elaborate secretariat already described, there has been a natural tendency on the part of the board to assume functions that amount almost to administration. Many of its functions belong to a responsible executive, but the board, even in its present state of political unanimity, would be very loath to surrender any of the staff it has built up. Yet the development of adequate financial responsibility in the mayor cannot proceed while so much fiscal administration rests with the board and with the comptroller.

THE MAYOR'S SOCIAL DUTIES

The heavy burden of the mayor's administrative duties has of late been overshadowed by his many social obligations. He is in demand for the banquets of the chamber of commerce and the "beefsteaks" of the Grand Street Boys. Every national guest who passes through the great port must be suitably welcomed, along with a lot of others not so obviously entitled to this distinction. This is regarded as good for the business life of the city. To many it is as essential that the mayor greet a channel swimmer or a delegation of Cubans as that he listen to pros and cons on the new building code.

But no mayor can serve two masters. If he loves after-dinner speeches he will in all likelihood have no headaches from reports. It may be, as some facetiously and others seriously propose, that we need two mayors—a decorative mayor and an operative mayor, a ceremonial mayor and a cerebrating mayor, a publicity mayor and a practical mayor, a cheer leader and a civic leader.[1] It is quite possible, what with the reception of Paul Whiteman and of distinguished Eskimos representing a brand of reindeer meat, that the entertainment features of the job are being overdone. Our earlier mayors never allowed such things to interfere with their work. At the outbreak of the world war, Mitchel, in receiving a steady procession of foreign dignitaries, felt obliged to greet them with some show of pomp. His successor, Hylan, made a hippodrome out of it. And it would not be too much to say that at the present time it is being subjected to downright commercialization. Whatever the future of this aspect of the mayor's position, and here as everywhere there is strong commercial sentiment against its neglect, the mayor is responsible for this.[1]

---

[1] See *New York World,* March 17, 1928; *New York Times,* Nov. 29, 1928.

THE COMMISSIONER OF ACCOUNTS

In any event, even the ablest mayor could not manage the business end of his job single-handed. The charter makes no provision for any help in this respect. He is completely without technical staff assistants. The first effort to remedy this lack was the utilization of the office of commissioner of accounts. Mayor McClellan appointed John Purroy Mitchel to it for the particular purpose of investigating the administration of borough president Ahearn. Gaynor appointed Raymond Fosdick. Having found it a stepping stone to higher office it was to be expected that Mayor Mitchel would not overlook its importance. His able commissioner of accounts, Leonard M. Wallstein, besides numerous minor inquiries and important studies of the administrative organization, the workings of county government, and the mandatory features of the budget,[2] made a complete exposure of the corruption then existing in the office of coroner which led to the extinction of that ancient heritage and the establishment of an appointive medical examiner.

By way of contrast, Mayor Hylan appointed the questionable Hirshfield. Corrective and constructive activities were abandoned for malicious inquisitions and stupidities, such as his investigation of history textbooks (in which he scooped Mayor Thompson by ten years) and of birth control. None the less his very irresponsibility had a certain effect in keeping Hylan's Tammany friends in leash, as may be judged by the spiriting through the legislature of a bill providing that the power of subpoena could be exercised only by the head of a city department. This deprived Hirshfield of this considerable power and it was necessary to reëstablish his office as a city department. His Tammany successors have kept up the appearance of industry, but they have been distinguished neither for the independence of their inquiries nor for any creative value in their work.

THE ASSISTANT TO THE MAYOR AND THE BUDGET DIRECTOR

Mention is made below of Chamberlain Bruére's use of his office as a roving commission to aid his friend Mayor Mitchel. The latter also developed his two secretaries, Arthur Woods and Paul C. Wilson, into real assistants. Indeed, Mitchel did more than any mayor before or since to think through the administrative side of his job. The quality and industry of the aides with which he surrounded himself has never been surpassed in New York City. Mayor Hylan put his trust in the able Grover Whalen, who, at first as his secretary and later as head of the department of plant and structures, was for a time administrator-in-chief of the Hylan administration. After Whalen's withdrawal to become manager of the Wanamaker stores, at a reputed salary of $75,000 a year (abandoned in December, 1928, for the police commissionership), there was much discussion of the creation of an assistant mayor.

Toward the close of the Hylan administration, two new positions were created, those of director of the budget and assistant-to-the-mayor. The latter of these offices was established by local law.[1] The budget directorship exists to this day by the mere appropriation of money for its salary.

---

[1] See the article on "'Jimmy' Walker" by the same author in the NATIONAL MUNICIPAL REVIEW, October, 1928, pp. 567–577.

[2] *The Government of New York City; A Survey of Its Organizations and Functions*, 1915; *The Effect of Mandatory Legislation upon the Budget for the Year*, 1915; *County Government within the City of New York*, 1915.

The duties of neither position are very clearly defined. The nature of the budget director's work is perhaps implicit in his title; but the function of the assistant-to-the-mayor remains delightfully vague except that it would not, perhaps, be too severe to say that the present incumbent regards his duties as imitative rather than complementary to those of his chief. Certainly he has emphasized the public relations and political aspects of his post rather than the administrative. These, insofar as there has been any attempt to provide administrative leadership in the Walker administration, have been largely relegated to the budget director.

TECHNICAL ASSISTANTS FOR THE MAYOR

If the office of mayor is to develop so that it can cope with the demands of the gigantic enterprise which the city government has grown to be, it is essential that these staff aides be utilized after the manner of modern business administration. A much more logical and up-to-date evolution would be for the assistant-to-the-mayor to become a chief profession administrator (perhaps a city manager), thus releasing the mayor for the more important functions of policy determination and civic leadership.

The budget director is almost the most important official upon whom the board of estimate must rely. Not only is he its principal advisor on the budget itself, but he is its year-round authority on salary schedules, supplementary appropriations, and a number of minor matters. Yet he is appointed by and responsible to the mayor. To complicate matters still further, he has no staff of his own but must rely upon the board of estimate's thirty examiners who are under the immediate supervision of the board's secretary and its director of investigations. Owing to the party harmony which has prevailed for the last few years, this complex arrangement has occasioned no particular difficulty. But the structure is so fundamentally unsound that it may be expected to crumble under the first stress that is put upon it.

ENGINEERING CONSULTANT TO THE MAYOR

Another recent step in the development of a staff for the mayor was the utilization of the bill drafter of the municipal assembly, otherwise unemployed, as a legal advisor to the mayor. This was interrupted within a year by the untimely death of the incumbent. He personally was eminently equipped for the post, having served ably in a similar capacity with the state legislature. He was also a close friend of the mayor and that, rather than any need for such technical services, probably explains the creation of the office. Finally, the 1929 budget makes provision for an engineering assistant, to be called consultant engineer (and for some curious reason carried in the appropriation for the board of estimate). The only occasion for surprise in this is that the need for such was not perceived five or ten years ago.

As already noted, the mayor and the president of the board of aldermen are the only members who may not designate a deputy to sit in their places and exercise their full authority. The others, though in constant attendance themselves, make ample use of this privilege. If the mayor is required or desires to be absent, his powers are for the time being suspended, and the president of the board of aldermen takes his place. The latter, likewise, cannot withdraw except in favor of the vice-chairman of the board of aldermen, a wholly independent officer, chosen by that body. This handicaps both officials in their work, particularly in dealing with the numerous minor matters. The system of representation by deputies is certainly unusual in a legislative body, but it has given good results. It is unfortunate and unfair that the mayor, upon whom the pressure of other duties is greatest, should be denied it.

---

[1] *Local Law* No. 7, March 25, 1925.

THE COMPTROLLER AND THE CHAMBERLAIN

The city charter creates two fiscal officers, the comptroller and the chamberlain. The latter office goes back to the Tweed charter in which he appears to have been treasurer of the city (the charter expressly makes him treasurer of the five counties), receiving and disbursing the city's funds, with the comptroller acting as auditor. The chamberlain is appointed by the mayor, whereas the comptroller is popularly elected on the theory that this renders him independent. This last expectation has been in some measure fulfilled. Comptroller Prendergast was a Republican. The present comptroller, Berry, and his predecessor, Craig, at least came from a different wing of the party than the mayors with whom they were elected. Craig was a Tammany man. He split with Hylan during their first term, but they were pulled together in seeking reëlection, after which their bitter personal quarrel was renewed and persisted to the very end of the Hylan régime and profoundly influenced the evolution of the board during this period. Craig was extremely useful to Tammany in accomplishing Hylan's overthrow and had a large share in determining that organization's attitude towards the mayor. With the Tammany Mayor Walker we have Berry, a Smith man, put in as a guarantee of the former's good conduct and a symbol of Smith's endorsement. Their relations have been rigidly formal. There have been persistent rumors of friction and occasional confirmatory glimpses of this in the sessions of the board, but nothing remotely resembling the unseemly bickering of the Craig-Hylan days.

THE CHAMBERLAIN ALMOST A FIGUREHEAD

In the development of the offices of the comptroller and chamberlain the apparent intention of the charter has been obscured and forgotten. The elected comptroller has from the first completely eclipsed his rival. The chamberlain's position, personally considered, has been reduced to a mere sinecure. Until recently its incumbent was the county boss of the Bronx upon whom the burdens of the office rested lightly. He has since been elevated to be secretary of state of New York. Hylan bestowed the job upon his friend, the wealthy and politically ambitious pencil king, Berolzheimer.

The most extraordinary person to occupy that office was Henry Bruére, director and factotum of the Bureau of Municipal Research before Mayor Mitchel installed him as his chamberlain. Bruére was his mayor's tireless right arm; but he could not help feeling that all his activity had nothing to do with the meagre functions of his office, and he ultimately resigned, advancing the unforgettable reason that his place was useless and should be abolished. The newspapers never tire of repeating the story whenever Mr. Bruére or the office of chamberlain is mentioned. As the position then existed, and there has been no change, it could well have been merged in the finance department of which it is practically, and in the language of the charter, a bureau. A much better scheme would seem to be to select it as the nucleus for the creation of a genuine city treasurer's office.

THE COMPTROLLER IS BOTH AUDITOR AND TREASURER

As has been suggested, the comptroller's office, the finance department, has swallowed function after function that really belong to a city treasurer or to other functionaries, and not to the all-important responsibility of a city auditor. A good current example is the work of the division of real estate in that department. The charter places the power to purchase real estate at private sale (not condemnation) in the board of estimate, but such action by the board requires the "assent" of the comptroller. Actually, the appraisers in the division of real estate of the finance department conduct all negotiations. Their report is submitted to the comptroller for scrutiny and approval and he transmits it to the board of estimate which accepts it as a routine matter.

There is no intention here to criticize the probity and good faith of this practice. It is estimated by the responsible officers of two reform organizations of the city that five or six million dollars have recently been saved in the purchase of park and playground sites alone. But the charter provides that when a private purchase of real estate is to be made the board of estimate must give it its majority approval, whereupon it will go into effect when it is approved by the comptroller. Can one ask an office to audit a transaction it has already recommended? The price thus fixed is utterly without effective independent audit. A still further example of the imperialism of the department of finance is to be found in the history of the municipal reference library. When the board of estimate in 1912 decided to inaugurate this enterprise it was found that no money was available; whereupon Comptroller Prendergast, who had been advocating it, undertook it as a function of his department. It was not until 1914 that the unit emerged from this tutelage and its administration was assigned to the public library system. The finance department also had jurisdiction of the fixation and collection of market rentals until the department of markets was established in 1917.

THE COMPTROLLER'S PRESTIGE

It is easy to see why this unfortunate development has taken place. The comptroller's three votes in the board and his knowledge of other people's secrets make it easy for him to get appropriations. With a huge department to feed, he has tended to be drawn into the logrolling with which the board of estimate is beset. He is the one member who is always pampered by the board. His budget estimates and subsequent transfers are almost invariably accepted without discussion. Such deference is accorded no other member. Moreover, he is almost always the best informed member of the board.

Most of our comptrollers have been industrious at their jobs. There is a tendency for new functions to be incubated there and, though they may, when fledged, be transferred to more appropriate cages, the comptroller is likely to want to mother his brood. Thus the division of pensions in considerable measure duplicates the work of the separate pension systems. The bureau of franchise, now in the board of estimate secretariat, grew up in the finance department under Comptroller Grout. When he left office he recommended that its engineer Nichols and his staff be lodged in the board of estimate. Under certain comptrollers, the bureau of municipal investigation and statistics formerly took charge of budget work, the ancestor of the present budget staff now in the custody of the board of estimate secretary. So also the bureau of contract supervision was a child of the finance department by a former comptroller.

GROWTH OF THE COMPTROLLER'S OFFICE

This is a mere symptom of what has happened in the comptroller's office. His staff has grown from 700 in 1900, operating on a $850,000 budget, to a force of 1,200, with a budget of $2,500,000, without taking into account the labor gain from the mechanical addressing and computing devices with which the office is abundantly equipped. Their answer is that all but one small segment of the city's fiscal business has been brought within the province of the very department that must audit all these activities. (See Table III.) That sole function is the chamberlain's present responsibility for the city's bank deposit books. "All taxes and practically all other receipts come to the comptroller's office; all payroll-making, and warrant-preparing are done there, save only that the chamberlain's clerk keeps track of the final issuance of the signed warrants or checks so that they will not overtake the city's bank balance. Rather than turn these duties into the overgrown finance department, it would seem more logical to vest with the chamberlain—or call him treasurer if the existing name has too much connotation of gentlemanly ease—the receiving of all city revenues, the preparation of all payrolls and warrants, the care of all city sinking funds, the management of bond sales, and the bookkeeping incident to all of these. The comptroller, relieved of the accumulated baggage of thirty years, would be freed for a more effective and independent scrutiny of the detail of the city's fiscal operations and would be prepared in the board of estimate to take a broader perspective upon those matters.

THE PRESIDENT OF THE BOARD OF ALDERMEN

The final member of the triumvirate that dominate the board is the president of the board of aldermen. His story sounds a wistful note. Though his power and prestige in the board of estimate have, if anything, been enhanced, those of his own board have waned steadily. Its president, however, steps into the shoes of the mayor if the latter so much as ventures beyond the bounds of the city, and exercises all but his removal power until his return; and its vice-chairman, one of its own number, follows in line. The occupants of the aldermanic presidency have been men of some dignity, in general more distinguished personally and politically than the borough presidents. Al Smith stepped from the post to the governorship; John Purroy Mitchel became mayor. The most effective member, and the one to whom the position owes most, was George McAneny. It was under him that the board of aldermen last showed vigor. Likewise it was he who led the board of estimate to initiate zoning, in which New York City led the nation. McAneny and Mitchel developed the personal staff attached to the office.

THE BOROUGH PRESIDENTS

The orginal charter, when Greater New York was achieved by consolidation in 1898, contemplated a fairly complete consolidation of administrative duties. It was, however, so speedily overtaken by widespread cor-

TABLE III

ORGANIZATION OF THE NEW YORK CITY DEPARTMENT OF FINANCE, 1928

- Comptroller
  - Deputy comptroller
    - Secretary to comptroller
    - Division of boards and commissions
  - Deputy comptroller
    - Bureau of audit
      - Chief auditor
      - Division of auditors and examiners
      - Division of inspection
      - Division of central payroll
      - Pay division
      - Division of refunds
    - Division of pensions
      - Actuary auditor
    - Division of real estate
      - Appraiser
    - Division of engineering
      - Chief Engineer
  - Deputy comptroller
    - Bureau of city collections
      - Collector of city revenue
      - Bronx branch
      - Brooklyn branch
      - Queens branch
      - Richmond branch
    - Bureau of accountancy
      - Chief Accountant
      - Division of disbursements
      - Division of stocks and bonds
      - Division of receipts
  - Assistant deputy
    - Bureau of law and adjustment
    - Bureau of municipal investigation and statistics
      - Supervising Statistician
  - Assistant deputy

ruption that, when the charter of 1901, under which the city still operates, was adopted, the powers of the board of public improvements were lodged with the board of estimate, as has been noted, and the administrative duties of the officers composing it were transferred to the borough presidents whose positions the new charter created. These officers have charge of all street paving and sewers, sewage disposal, repairs, the maintenance of public buildings, and permits for the construction and occupancy of private buildings. In the outlying boroughs of Queens and Richmond there are added street cleaning, and ash and snow removal. The borough presidents' offices of Manhattan and Brooklyn employ over 1,000 men each and have budgets of $6,513,000 and $5,323,000, respectively. The largest borough establishment, that of Queens, has a $9,882,000 appropriation, most of which is payroll.

THE BOROUGH PRESIDENT'S POLITICAL POWER

The borough president is a highly important cog in the county political machine. He speaks in the board, not only for his own office, but for all the county officers in his borough and in considerable measure for the branches of the mayor's departments in their boroughs. The Tammany Jupiter and his four moons have introduced centrifugal and centripetal forces which must be understood if the aberrations of administrative orbits are to be fully understood.

On the one hand, the creation of branches of the mayor's departments in the various boroughs and the appointment of the heads of these branches and other important officers by the borough machines make for decentralization to an extent which the charter never contemplated; on the other hand, the strong position of the mayor and comptroller in budget making and control, the existence of a dominant machine, and the recognition of common political interests produce elements of coördination and concentration where the charter and the statutes of the state provide dispersion. In the broadest sense, of course, party organization has done here what it has done elsewhere. For checks and balances, elective discretions and representative responsibilities, it has substituted a hierarchy of its own and a certain vague collective responsibility. But the existence of sturdy satellites deflects this movement from its natural course. These compound motions profoundly affect actual administration. The quadrennial perihelion of the system occurs, of course, in the election year.

CASUALTIES IN THE BOROUGH PRESIDENT'S OFFICE

The office of borough president, because of the opportunities it presents in the board of estimate, is fully big enough to attract really big men. But with a fairly long ballot it is obscured, and election to it is determined in most cases by the success of the general ticket within the county rather than by the individual appeal of the aspirant for this particular post. There have been many satisfactory borough presidents and a few exceedingly good ones, but there have been more casualties in this office than in any other in the city. Three have been removed from office by the governor for malfeasance. Another abandoned his post for the freer air of Paris. Two more were convicted of fraud. The preoccupation of the borough presidents with their own burdensome duties and their own pet ambitions seriously militates against their taking a city viewpoint. Likewise many have been high-ranking party officers with attendant heavy responsibilities.

There are some indications, albeit faint, that the borough presidents are destined to lose in power. The trend towards an executive budget, the development of the office of the chief engineer of the board with the prospect that his responsibility for contracts may be enlarged, the proposed central sewage disposal plant, the highway survey, and the current discussion of a city planning commission all point in this direction. Meanwhile we are confronted with the concrete fact that the borough budgets are steadily expanding.

THE FUTURE OF THE BOARD'S STAFF

It was recommended by the 1922 charter commission, and again by the recent Lehman committee on budget, finance and revenue, that an executive budget be developed in New York and that the examining staff of the board of estimate be removed and placed under the mayor's budget director.[1] This is the national system and is spreading rapidly in our states and cities. It is unquestionably sound to charge the administrative officer with the duty of preparing the financial plan in the first instance. This is the procedure in private business. It is so natural and obvious that, even within a department, the chief naturally turns to his subordinates to work out his plans and they to theirs. To recommend it here seems, however, at least to the present writer, to completely overlook the unique character of the board of estimate and some of the complexities of our city government.

---

[1] *Finances and Financial Administration of New York City*, p. xvi.

The board of estimate and apportionment is the real governing body of the city. The budget is an integral part of its work, indeed the very core of its work. All its other functions respecting bond issues, public improvements, and the control of wage policies and pensions are intimately related to the budget. To exclude the board from the really fluid stages of budget making would greatly handicap it in the balance of its work.

Secondly, it must be borne in mind that the mayor has charge of but a part of the government within the city. The mayor's departments consume less than 60 per cent of the budget. He has no jurisdiction over county or borough government and relatively little over the department of education. Within his proper province he should have complete authority to determine what the units for which he is responsible shall propose. To this end, he should have a budget office with an adequate personnel.

NEED FOR AN EXECUTIVE DEPARTMENT

In fact, the writer would be willing to go so far as to suggest that there should be erected, as immediately responsible to him, an executive department headed by the assistant-to-the-mayor in which would be placed a budget bureau, a franchise bureau, and a public improvements bureau (headed by an experienced engineer). Possibly the commissioner of accounts and the work of his department should be brought within it. It is highly desirable that the supervisory power of the mayor over his own departments be substantially strengthened, and the author, for one, would not be loath to see this jurisdiction extended to include some county and borough functions, were this possible. But we are assured by all competent observers that the prospect of this is indefinitely remote. While this continues to be the case it will not be possible to ignore the board of estimate in budget making.

STAFF NEEDED FOR REAL BUDGET MAKING

More important even than this is the fact that the board, just as any other legislative body, needs a staff, if its budget approval is to be anything but perfunctory. This is one of the things which some advocates of the executive budget system overlook. It is not enough that the executive be given the opportunity to present the budget proposals for the departments for which he is responsible. There is an equally important need for a competent scrutiny of his estimates by the legislative authority. This cannot be given by amateurs. The board of estimate has as vital a need for expert assistance as has the mayor. This the board now has. To propose its transference is to misconceive completely the true implications of the executive budget plan. The mayor should develop his own staff. This would in no true sense be duplication. The two groups would view the budget from different angles. It is unlikely that a $600,000,000 budget can be too carefully examined.

There is a further objection on practical grounds. The real clue to wise and efficient budget making is to be found in the development of a permanent and specialized staff independent of political control, with a background of experience and power to penetrate the document to its tiniest item and to recommend what they see fit. Such the budget examiners of the board of estimate now are, though their authority is weaker than we might like to see it. It would be hard to discover a more unusual group in the city government or a group with a higher *esprit de corps*. Considering the whole matter by and large and taking into account the rather violent upheavals that have occurred in the mayoralty itself, it seems indisputable that the board of estimate offers a stable mooring for the examining lightship.

THE FUTURE OF THE BOARD ITSELF

There is a consensus of opinion that the two most pressing governmental needs in New York City are a general revision of the 1901 charter under which the city is operating, and some kind of planning body. This was recognized in the campaign of 1925 and the ever-obliging Walker made some promises concerning it. Having no other issue, he reverted to it frequently and eloquently. It was never quite clear whether he was referring to one or the other of these needs or to both. After the usual delay, 476 persons were appointed to a committee on plan and survey which, after two years, reported that there was a real need for planning and surveying. It is hard to see that, at the close of the third year of the present administration, we are any nearer an actual beginning than we were when it started.[1]

NEED FOR REORGANIZATION OF THE BOARD

It must be clear that the future of the board of estimate is intimately bound up with both of these proposals. On the one hand, though the board of estimate has been a success and has a secure and dominant place in the city's government, it is not so certain that the presence of six members, each with more than a thousand subordinates and budgets running from a million to ten million, is a sound system or gives satisfactory results. The members of the busiest legislative body in the world are almost too busy to devote themselves thoroughly to its work. It is also somewhat unfortunate that five members of this great body should be part of a system that forces them to look at things from a viewpoint less comprehensive than the welfare and interests of the city as a whole.

---

[1] The report prepared by Edward M. Bassett, appointed by Mayor Walker to advise on the manner of establishing a planning commission, was submitted December 20, 1928, and made public early in January. It recommends a board of three members, one of whom was to be the chief engineer of the board of estimate. The appointed members would serve four-year overlapping terms and receive salaries of $15,000. The duties of this board would be largely advisory except that it would assume the burdensome city map and zone change hearings which now clog the board of estimate's calendar, and it must prepare a master plan. The making of this master plan would be its principal function and though its decisions would not be binding upon the board of estimate all city departments would be required to request it to report on any improvement or major public work before requesting an appropriation. For a period of eighteen months while the board is at work on its plan, the chief engineer would hold the map and zoning hearings.

Two other proposals are receiving much discussion in the newspapers as this study goes to press. It is understood that the present city administration endorses them and will transmit them to the state legislature now in session. One of these provides for a commission or board of sanitation which, it is understood, the present city comptroller, Dr. C. W. Berry, will head, resigning his present office. The commission would consist of three members, a doctor, an engineer, and a layman. It would be given broad powers over sewers and street cleaning and the disposal problems associated with each. Another commission (modelled on the Port of New York Authority) is being advocated to undertake the building of bridges and vehicular tunnels linking the various boroughs. The principal reason for creating such a traffic authority limit is the city's present inability under its constitutional debt to finance such projects. It is at least doubtful if legal obligation may be escaped through such a device. Any of these three proposals will vitally affect the work of the board of estimate and the power and influence of the borough presidents.

Borough pride dies slowly. Particularly in the outlying boroughs, there is a sturdy demand for improvements of all kinds, and it is among these very people that we find the greatest insistence that the tax rate be kept down. The present system fosters the disassociation of these conflicting aims. It has the further demerit of choosing administrative officials by popular election. And on top of this, it puts these officials on the very board that votes their budgets. These weaknesses can perhaps best be attacked in the inverse order of their mention here. The easiest step would be to lessen or eliminate the voting strength upon the budget, either by increasing the power of the "big three" or by curtailing the privileges of the borough president. Or it might be possible to divorce the representative and administrative features of their jobs. But borough representation, perhaps not without merit, is one of the fixtures of the situation. There are likewise serious questions of power and administrative control to be worked out between the mayor and the board of estimate.

POLITICAL FACTORS INVOLVED

Throughout this brief survey it has been possible to make but occasional reference to politics, in part because there has been no minority representation in the board in the last decade, but even more because partisan politics has always been a minor theme in the board. In any future reorganization of the board, however, politics, both as between the major parties and as affecting the internal economy of the dominant Democratic party, will be a major theme.

The borough of Brooklyn now has a population half a million greater than that of Manhattan (the original New York City). Its Democratic organization is more thoroughly in control of its own borough than Tammany is in Manhattan. The Tammany realm is a much more fruitful one, but control over it may shift with the political center of gravity. The Tammany organization, in the main, is confined to the boroughs of Manhattan and the Bronx. There are complex relationships between it and the other three borough machines which would carry us quite beyond the bounds of this paper. But it is sufficient to say that such forces will have far more to do with any reorganization in the composition and prerogatives of the board of estimate than any administrative considerations here presented. There is much current talk of the creation of a planning commission, but at this time one would be venturesome indeed who dared to predict its outcome.

If the writer may be indulged to suggest his own blend of practicality and theory, he would propose a board of estimate composed of the present "big three," acting ex officio, and twelve borough representatives assigned roughly according to the population of the boroughs. These would have no other duties than attendance at the board. The writer would allot the "big three" five votes apiece and the others one each. The hope would be to reduce logrolling, or its importance, by dilution. If a still more utopian variant were possible, some form of proportional representation to insure the presence of the minority and a more genuine sampling of the culture and opinion of the community should be introduced. In any event the borough representatives, as ministers without portfolio, would be arbitrators and critics, but would lack power to thwart the administration when its responsible heads were in agreement. The responsibility of the "big three," however, would be to the people rather than to the board. The weakening of the borough representatives might be compensated for, in part, by making the board of estimate staff answerable solely to them.

But even such a modest proposal would fall among the thorns of politics. There is no present prospect of general charter revision. Rather the board of estimate will continue to grow slowly. The very volume of its work will certainly necessitate its being relieved. The need for some kind of coördinated city planning is so obvious and urgent that it cannot long be refused. Likewise a decade of heedlessness has brought us to the very roof of the city's borrowing capacity. There is scarcely room to stick another bond in, but a whole series of pressing problems are clamoring outside for admittance and the public is beginning to join the cry. Whether this problem be met through some heroic remedy such as the creation of traffic authority or by a saner economic and fiscal city planning, the board of estimate will still have a heavy hand on the helm.

NATIONAL MUNICIPAL REVIEW

PUBLISHED MONTHLY BY THE

National Municipal League

VOL. XVIII, No. 3 MARCH, 1929 TOTAL No. 153

CONTENTS

EDITORIAL COMMENT .... *H. W. Dodds* 153
ORDER FOR CHAOS IN TRAFFIC SIGNALS .... *William B. Powell* 157
MUNICIPAL GOVERNMENT AND THE NEWSPAPER ..... *Victor Rosewater* ... 158
OUR AMERICAN MAYORS:
XVI. JAMES ROLPH, JR., OF SAN FRANCISCO .... *William M. Hines* 163
NEW YORK CITY'S INCOME .... *Luther Gulick* 168
RELATION OF BUILDING HEIGHT TO STREET TRAFFIC — A REPLY .... *Herbert D. Simpson* 171
ESSENTIALS OF AN EFFECTIVE FIRE PREVENTION BUREAU .... *Harold A. Stone* ... 174
FIVE YEARS OF CITY MANAGER GOVERNMENT IN CLEVELAND — A SUPPLEMENT .... *Citizens League of Cleveland* 203

DEPARTMENTS

I. Recent Books Reviewed 179
II. Judicial Decisions .... *Edited by C. W. Tooke* 183
III. Public Utilities .... *Edited by John Bauer* 188
IV. Municipal Activities Abroad .... *Edited by W. E. Mosher* 191
V. Governmental Research Association Notes .... *Edited by Russell Forbes* 195
VI. Notes and Events .... *Edited by H. W. Dodds* 199

GRIFFENHAGEN & ASSOCIATES, LTD.
BUREAU OF PUBLIC SERVICE

Consultants and active assistants on the administrative and financial problems of public bodies in programs of review, audit, and constructive improvement; seventeen years of experience in the service of officials, legislators, and citizen organizations

HEADQUARTERS OFFICES 155 EAST SUPERIOR STREET, CHICAGO
EASTERN OFFICES MILLS BUILDING, WASHINGTON, D. C.

THE LEAGUE'S BUSINESS

Proceedings of Cincinnati Meeting Now Available.—The Governmental Research Association, 261 Broadway, New York City, has compiled a complete report of the Proceedings of the convention in Cincinnati on October 15, 16, and 17, 1928, which was held jointly with the National Municipal League and the National Association of Civic Secretaries. The proceedings have been mimeographed and will be sold to any reader of the Review at $2.00 per copy.

◆

Thirty-fifth Annual Meeting.—The following nine civic agencies of Chicago have combined in extending to us an invitation to hold our thirty-fifth annual meeting in that city:

Chicago Association of Commerce
Chicago Bureau of Public Efficiency
Citizen's Association of Chicago
Civic Federation of Chicago
Municipal Voters' League
City Club of Chicago
Woman's City Club
Chicago Civic Conference
Public Affairs Committee, Union League Club of Chicago

The executive committee of the League has accepted this invitation.

The Governmental Research Association and the National Association of Civic Secretaries have voted to meet with us. A meeting was held at the Union League Club of Chicago on February 15 to draft a tentative program for the meeting, which will be announced in a later issue. The meeting will be held on November 12, 13, and 14.

◆

Expansion of League Staff.—The executive committee, at its last meeting, voted to adopt a suggestion of Richard S. Childs, president, to employ a competent individual to handle publicity for the League and the Municipal Administration Service. It has been felt for some time that the work of the League has lacked consistent expression in magazines and newspapers. The addition of a staff member to handle publicity matter in both newspapers and magazines, to report progress in municipal government and administration, and to report the activities and accomplishments of the League, will fill a long-felt need.

Howard P. Jones, editor-in-chief of nine newspapers published in Michigan by The Nellis Corporation, has been retained to fill this position. Mr. Jones is a graduate of the Columbia University School of Journalism, has served as editor of the Evansville, Indiana, *Press* and was for two years a teacher of journalism in Michigan University.

While in Michigan, Mr. Jones studied municipal government and administration in the Bureau of Government at the University. He is thoroughly familiar with the past work of the League and, through his editorial influence, has succeeded in having the city manager plan adopted in East Detroit, Michigan. He is thoroughly qualified from every point of view for this work and will be a most valuable addition to our headquarters staff.

RUSSELL FORBES, *Secretary*.

NATIONAL MUNICIPAL REVIEW

VOL. XVIII, No. 3 MARCH, 1929 TOTAL No. 153

EDITORIAL COMMENT

Cork to Have a City Manager

According to cable reports the Irish Free State government has conferred city manager government upon the inhabitants of Cork. As readers of the REVIEW will recall, Cork and Dublin have been governed by state-appointed commissioners. The new governments have been so eminently satisfactory that Cork has decided to go a step further and adopt a manager government modeled on the American plan. The new bill provides for a city manager, working with an elective council of twenty-one. He can be removed, however, only by a two-thirds majority of the council. Great care has been taken to define and separate the spheres of the council and of the manager. The manager will be appointed by the Local Appointments Commission, and thus a measure of central control will be reserved to the Free State government.

British observers have not received the manager plan too gladly, seeing in it a stronger measure of centralization than British tradition accepts. The success of the state-appointed commissioners in Dublin and Cork has demonstrated, however, that administrative centralization has its good points, and if Cork's experience with a manager is satisfactory the plan may spread to other cities of the United Kingdom. The degree of state supervision exemplified in the central government's appointment of the manager would not be acceptable, however, to English municipalities.

*

Pittsburgh's Graded Tax Rate

Robert Garland, chairman of the finance committee of the city council of Pittsburgh, takes issue in an article in a Pittsburgh newspaper with C. E. Rightor's estimate of the true city tax rate for Pittsburgh published in the NATIONAL MUNICIPAL REVIEW for December last. Mr. Rightor's analysis made Pittsburgh's adjusted tax rate (the aggregate for city, schools and county) to be $32.16 per $1,000 of actual value. This gives her the highest tax rate of any city of 500,000 population or over, and according to Mr. Garland has been used by the newspapers of the country to discredit Pittsburgh and particularly her graded tax system. Mr. Rightor's rate is based upon total receipts of taxes on land and buildings. Mr. Garland admits that no criticism of Mr. Rightor's method was intended, since no other way was open to him. He does believe, however, that Pittsburgh is penalized by the fact that all unoccupied or vacant land is taxed for city purposes at $25 per thousand, while improvements are taxed at but one-half this rate. The unadjusted city rate for the small home-owner whose land is worth $1,000 and house $5,000 is $14.60, not $18.96 as Mr. Rightor's figures would imply. Mr. Garland's point is that the heavy tax on vacant land, of which there is a considerable quantity within the city limits, gives a wrong impression as to the burdens which homes, factories, and office buildings must carry. According to his analysis, the moment a man improves his land in Pittsburgh his total tax rate on land and improvement drops to about thirteen or fourteen dollars per thousand. For this reason, industry and real estate development are encouraged rather than retarded by the graded tax scheme.

Machinery of all descriptions and personal property and inventories of stores and factories are exempt from municipal taxation in Pittsburgh. This fact throws a heavier burden on real estate than would otherwise be the case, and, Mr. Garland believes, further renders the general tax rate misleading.

✦

Philadelphia Politics and the C. M.-P. R. Plan Brother Ed was the strong man of the Vare organization in Philadelphia. With his death several years ago the days of the Vare machine became numbered. Brother Bill is not so formidable a boss. His recent illness and his difficulties with the United States Senate have brought rival leaders into the lists. Many believe that a new Caesar is about to arise in Philadelphia politics.

It is the Greenfield-Monaghan-Mitten combination which has undertaken to bring the Vare crowd to their knees. Greenfield is a successful real-estate dealer; Monaghan is the district attorney of Philadelphia county; Mitten is the traction magnate of Mitten Management fame. Vare, too ill to make the fight, appears to have entrusted his future to State Senator Samuel W. Salus, a Philadelphia politician with no lily-white record.

It is this Senator Salus who consented to introduce into the legislature the optional city manager–proportional representation bill for the city of Philadelphia after the independent Senator George Woodward declined to do so. (Woodward subsequently announced that he will vote for the measure on home rule principles but does not favor a city manager for Philadelphia.) The selection of Salus to introduce the measure has perplexed those who fear that the children of light are consorting with the sons of darkness. Have the reformers been seduced; or are they playing a shrewd game worthy of their most agile opponents?

The truth is that no other alternative was open to the Committee of Seventy and the Charter Committee. Unless the bill were introduced by a Philadelphian it would have little chance of success. After Dr. Woodward's defection it was necessary to solicit the aid of an organization man, for Woodward is the only independent legislator from Philadelphia.

Salus' willingness to introduce a measure aimed at the heart of the organization he hopes to lead represents no sudden conversion to civic righteousness. Undoubtedly he hopes thereby to embarrass his ambitious party rivals. If the bill passes, as it well may, he will be found fighting its acceptance by the voters of Philadelphia. While it is unfortunate that the Philadelphia delegation in the legislature could supply no one above reproach to be the legislative parent of the measure, the present tactics are no sell-out by the reformers. If the bill becomes law it will be because the true friends of the charter persuade the non-Philadelphia members of the legislature that to allow Philadelphia to choose the government she wants is the fair and expedient thing to do.

For an analysis of the measure itself and further light upon Philadelphia's tangled politics, see George Hallett's article in the Notes and Events department of this issue.

* * *

Public Utility Regulation Must Improve

Criticism of our present systems of public utility regulation has been mounting in recent years. In at least two states discontent has reached the point of organized activity.

Twenty-five years ago the idea of commission regulation spread rapidly among the states. During the preceding two decades grave evils had developed in utility organization, especially among street railways, which the commissions were designed to end. They were to deal fairly with the utilities, but were expected to serve as positive agencies in the interest of the public. But, while regulation has not been a one hundred per cent failure, the high hopes for it have often miscarried.

The object of the criticism is not to abolish regulation, but to modify the methods to meet present-day conditions. Unfortunately, there has been a disposition among the utilities and some of the commissions to brush such criticism aside, to claim that all is well with regulation, and to view the criticism as public ownership propaganda. In our view, this is a grave misconception. Most of the intelligent critics have no ulterior motives. Their object is not to sweep regulation into the discard, but to reconstruct it upon sound public lines. They are not public-ownership partisans. They realize, however, that if regulation is not fundamentally reconstructed, public ownership and operation in most instances will remain the only rational policy. But if regulation is made effective, it will remove this artificial stimulus to public ownership. Public ownership has its place, but its extension will be unfortunate if it is based upon the breakdown of regulation. For regulation can yet be made effective through the exercise of reasonable statesmanship.

We have no doctrinal attachment to either private or public ownership and operation. Most of the private systems are satisfactorily managed from the standpoint of operating efficiency; but there are many that fail wretchedly in this fundamental respect. There are also public systems which are very successfully managed; yet there are others which do embody the evils that are commonly charged against public ownership and operation. Doubtless both modes of organization will continue, and compete with each other. Individual instances occur in which public ownership and operation would furnish now the most satisfactory settlement. For the greater part, however, there is no fundamental reason why private ownership and operation should not endure if regulation is made effective. But if regulation remains unsatisfactory, and if the utilities themselves pursue the brainless course set by many of their legal, financial and publicity leaders, they will incur the inevitable fate of public ownership and operation.

J. B.

* * *

Rural Detectives à la Sherlock Holmes

Governor Roosevelt of New York has asked the state crime commission to consider the feasibility of establishing a small, mobile corps of highly trained crime investigators who will be available to aid sheriffs and constables in rural localities. After presenting a description of modern crime detection methods in cities, somewhat idealized it must be admitted, the Governor proposes that similar facilities be extended to the country districts. Confronted by a baffling crime, a rural sheriff would solicit the aid of trained investigators from the supply on tap at a central point. Thereupon an investigator would hurry to the scene of the crime equipped with microscopes, test tubes, bacteriological equipment, and perhaps a scholarly critique of the technique of Sherlock Holmes, and proceed to resolve the mystery.

The idea seems to have been suggested originally by the Minnesota Crime Commission, which recommended a state detective bureau where, because of political opposition, it was impossible to establish a complete state police system. Friends of the New York state police are accordingly not inclined to accept readily the suggestion of a parallel organization performing functions already entrusted to the state troopers. While the state police place most emphasis on uniformed control as a deterrent to crime, they do considerable detective work themselves. In this they utilize finger prints, under-cover men, and the other paraphernalia of modern detective methods. Obviously a state detective service organized as a separate executive department or lodged with some state department such as the department of correction (one of the schemes tentatively put forward by the Governor) would lack the close tie-up with the state police which would be necessary for its success. Much better would it be to increase the detective facilities of the state police, recognizing that in this automobile age crime detection in rural areas is a state rather than a local function.

Governor Roosevelt is a good democrat but his loyalty to the principle of home rule appears to have led him astray in this instance. A state detective bureau to be used only at the call of rural communities will not make county sheriffs and local constables adequate peace officers in this age of scientific crime. Rural crime prevention and detection are state functions today and in the last analysis there is no way by which the issue with so-called home rule in police matters can be evaded.

ORDER FOR CHAOS IN TRAFFIC SIGNALS

BY WILLIAM B. POWELL

Traffic Engineer; Chairman of Committee on Code of Practice on Signs, Signals and Markings

The American Engineering Council Committee reports a standard practice for traffic control. :: :: :: :: :: ::

"Say, fellar! Wad 'ya mean by tryin' t'sneak round the corner on the red? Don't you know red means stop even if you do come from some hick burg?"

Thus the arbiter of traffic interprets to the stranger the correct practice to be followed in his well-ordered city, and we pass on our way in a contrite and chastened spirit, until we are rudely awakened in the heart of the very next municipality: "Hey, youse! Git a move on an' stop blockin' traffic. When the red's on, turn the corner if you're nex' the curb an' keep movin'."

After that, fear and trembling is ours at the approach to every strange town lest we do the wrong thing, with consequent delay not only to ourselves but to all other traffic as well.

And then the signs! All colors, all shapes, all sizes; high and low; big letters, little letters, and most of all, so many small words that one must stop to read.

It is this chaos of regulations based on many minds that led the second National Conference on Street and Highway Safety to authorize two committees to seek some basis of systematic order in this very complicated realm of traffic control. Since that conference was held over two years ago, the committee on model municipal ordinance has published its report of a recommended law for adoption by cities,[1] so that uniform rules would govern such important matters as the making of turns, the passing of street cars, and similar traffic movements. Meanwhile, a committee of American Engineering Council under the sponsorship of the National Conference has been working on a code of standard practice for traffic control devices after making a very comprehensive survey of the present practice in over 100 of the largest cities of the country. The report is on the press at this writing, and will be available for distribution by the time this appears. Its provisions cannot be summarized in the brief limits of this article, but a few of the outstanding features may be mentioned.

UNIFORM SIGNS AND BEACON LIGHTS

Essential signs are grouped as follows:

Stop: Octagonal—Red letters on yellow ground.
Slow: Diamond—Black letters on yellow ground.
Caution: Square—Black letters on yellow ground.
One Way: Arrow—Black letters on white ground.
Instruction: Rectangular—Black letters on white ground.
Restriction:
  No Parking: Rectangular—Red letters on white ground.
  Parking: Rectangular—Green letters on white ground.
  Pedestrians: Rectangular—Blue letters on white ground.

The distinction between the first three groups lies in the degree of hazard indicated which in the first case requires the vehicle to stop completely before proceeding, in the second requires it to slow because of some hazard inherent in the roadway, while the third requires the exercise of caution on account of some outside hazard such as a school which may be intermittent in occurrence.

---

[1] See article on this model ordinance, in National Municipal Review, Vol. XVII, pp. 684–689, November, 1928.

If beacon lights are used, either in combination with signs or elsewhere, they shall have the following significance:

Flashing red—Stop before proceeding.
Flashing yellow—Slow before proceeding.
Fixed yellow—Caution for obstructions.

In the field of automatic signals, the model ordinance is followed by recommending the three-color system, while recognizing the practice of using only two colors, as is done in some parts of the country, notably in New York state. No movements are permitted against the red unless such special movements are indicated by green arrows displayed at the same time. Strong emphasis is placed on the combination of adjacent signals in progressive systems so as to permit continuous movement at predetermined speeds.

Safety zones are classified as follows:

Raised platforms protected by fixed posts and lights.
Pavement areas protected by fixed posts and lights.
Pavement areas protected by movable posts, which is not recommended for general use. Pavement areas indicated only by painted lines without other protection are condemned as unsafe.

MUNICIPAL GOVERNMENT AND THE NEWSPAPER

BY VICTOR ROSEWATER, PH.D.

Formerly Editor of the "Omaha Bee"

The name of Victor Rosewater is known to all readers of the REVIEW. *They will appreciate his careful analysis of the practical problems of running a good newspaper.* :: :: :: :: :: ::

FROM the newspaper viewpoint, it is difficult to treat the reporting of municipal affairs as a peculiar problem. Gathering and presenting news from or about the city's offices or institutions or activities is not a task *sui generis*, but comes in the day's run, just like any other part of the ceaseless stream of copy. The practical test regularly applied to determine the importance of every item for the paper is that of reader interest and the test is not abated merely because classifiable under the heading of municipal affairs. Though the editor's judgment of reader interest may be and often is in error, the sometimes prevalent notion that he harbors an aversion to substantial information and sober statement should not require disproof. The process of editorial selection is akin to a continuously working experiment station, and the reaction of the subscriber to the day-by-day news menu is not to be recklessly disregarded. The journal purveying to the general public, therefore, cannot well subordinate everything to the desires of one particular group, even granting that the subject of municipal government stands near the top in the scale of news values.

The common complaint of those disappointed by newspaper treatment of what is their special concern is that the columns are filled with drivel and trash while worth-while matters are ignored or excluded or crowded out by blatant paid advertisements. The press is accused of being negligent of its true function, of failing to fulfill its duty by the public, or of subserviency to political power or to the blight of advertising revenue. Why else should slathers of printer's ink be shed on sport pages? Why such extensive daily market quotations? Why space-consuming fashions and foibles of so-called society? Why so much room given to comic strips and cross-word puzzles and lurid fiction and inane advice to the complex-ridden? Why the *ad nauseam* scandal-monging? Would not an interpretative explanation of the school budget, or a disquisition on sanitary garbage removal be much more helpful to the city's welfare? How do things get into print anyway?

THE EDITOR'S DIFFICULTIES

The initiated know that the contents of every newspaper are the outcome of a never-ending series of rejections, that the space available in each issue is limited to so many pages and columns, elastic only within narrow range, that this space is apportioned to different classes of reading matter as a meal is divided into courses, that the body literate can no more be fed steadfastly on a single dish and thrive than the body physical, that, with an excess of material pressing for consideration, it is relative importance which counts and determines preference for position and length, that these decisions have to be made in quick succession with lightning rapidity on the strength of partial information, that prime news and beats displace or sidetrack non-exclusive or less urgent stories.

Another frequent complaint goes to the inaccuracy of newspaper reports or the stupidity which misses the essentials and plays up the immaterial. If a program of zoning is to be outlined, why not do it intelligently so as to enlighten rather than muddle people taking the pains to read? If the proposal be to remodel the structure of the city's scheme of administration in the direction of simplicity and economy, why not state the facts in a way to facilitate understanding despite fears of job-holders decrying its merit? Two points are involved: the competency of the reporter and the policy of the paper. A misfit writer with difficulty gets things straight while the best will do a poor piece of work carrying out perverse instructions. Incidentally, much is at stake in continuity of service, in keeping the same reporter on the job and utilizing the experience and background thus gained along with a familiarity with the transactions leading up to the latest dénouement. Nowhere so noticeably as in this branch of reporting does the rolling stone gather no moss. There are, *per contra*, offsetting dangers: Continuous close contact may blind the eye to glaring defects easily spied out by another. Personal intimacy may warp the purpose to depict delinquencies truly. All sorts of lures are held out to the well-meaning journalist to induce him to shield or to boost, to misrepresent or to forget, to help kill off or to aid in putting over.

THE READER'S INWARD CONFLICT

In municipal matters most of all, there are two kinds of news which the townsman wants his newspaper to print. He wishes, it is conceded, to be kept informed about his local government and his city officials, he is keen to read what is going on in the city hall and court house, he wants to know how mis-cued things may be righted, how the community may be improved, how taxes may be lowered. He also wants to be told if anything is going amiss by public servants falling down on their work or betraying their trusts and what should be done for correction. All this he desires for his own perusal and information and that of like-minded fellow citizens. Here he wants the truth, the whole truth and nothing but the truth.

But the newspaper is regularly urged by the self-same townsman to disseminate matter as news which he himself already knows and does not care to read, yet which he would like to have others read, would even force them to read. The same applies to certain things which he objects to seeing in print because others too would see them. He wants his town to shine in its most effulgent light. It's a fine place to live in. It's going forward all the time. Its improvements warrant bragging. There's nothing really wrong about it under any circumstances and its affairs are well administered, surely better than in any other town of equal size and resources. A standing invitation bids the stranger to visit our town and do business with us, to locate here and share all the glorious advantages we possess. Of course, there are always a few chronic fault-finders and knockers, but the newspaper should pay no attention to them. Clearly, it is not easy to reconcile what Mr. Intelligent Citizen wants his paper to print for his own instruction or protection or delectation and what he wants it to print for the outside world to read.

EDITOR PRESSED BY SELF-SEEKERS

Nor can the inevitable personal and selfish interests involved in nearly every problem of municipal government be overlooked. It may be simply the insistence of one part of the city to get "its share" of the money voted for public works, perhaps at the expense of more-needed improvements elsewhere. It may be the natural quest for relief from tax burdens regardless of a mere shifting to different shoulders. It may be the use of influence to retain unfit dependents on the payroll. It may be the questionable contract. It may be the perpetual interplay of greedy "ins" and covetous "outs." Self-styled reform movements are by no means always the least self-seeking. In all these cases, the conscientious journalist has to weigh conflicting claims and sift the evidence dispassionately if he is to avoid being used as a mere cat's-paw. His customary cynicism is readily accounted for, the temptation strong to cry, "A plague on both your houses!" I do not hesitate to assert that in most cities a completely de-bunked reporting of municipal affairs would present a ludicrous picture of competitive scrambling for the coign of vantage. Accepting the well-backed contention that there is no such thing as neutral news, the editor must be particularly alert to the real welfare of the community when he takes sides, as he usually must.

What entitles city matters to a preferred claim to newspaper consideration? It is the direct touch of the local government with every inhabitant of the area within its jurisdiction. Every person permanently abiding or temporarily sojourning there, every property owner, resident or non-resident, every one trading within its borders, in one way or another enjoys the benefits or suffers the evils of a good or a bad city government and ought to have a lively concern in it. The contact here is closer and more direct than that of the state or federal government, the men in executive positions are acquaintances or neighbors, in the degree the city prospers so prosper those who dwell in it. Still what is nearest home does not necessarily interest most, what is recurrent is not unusual, what is under our eyes is not apt to appear in proper perspective. When we were regaled with the famous series of magazine articles on "The Shame of Our Cities," very little of what was imparted had not been already published piecemeal by the press of the communities concerned. In a word, the there-collected disclosures of municipal rottenness, though furnishing a new view startling to the reader, were not to be taken as a blanket indictment of all the newspapers issued in those localities.

NEWSPAPER MECHANICS

After this survey of the difficulties, a more profitable inspection of the internal mechanism of municipal reporting should be possible. First the method of covering this news field is worth noting. The general practice is to depend upon one member of the staff who gives it his special and often exclusive attention. He must be a seasoned reporter, perhaps the political reporter; he has the city-hall run; he keeps his own "morgue" and reference files; he draws assignments to cover cognate events; he is the reportorial pole-horse in the city election campaign. He knows, or should know, how to take a "hand-out," how to distinguish between what some one wants printed to fool the public and what the public is entitled to read. After his apprenticeship in the service, this man as a rule is better informed about the city government and all the people connected with it in responsible capacity than any one in official authority, not to say any one looking in casually through the window.

The entire grist of municipal reporting cannot be handled by one individual. Matters pertaining to the city and its administration are arising on every run. Stories may be popping in such numbers and with such celerity and in so many places that the whole corps for the moment are covering the municipal news. For big doings, the star reporter will be specially assigned, and his versatility is supposed to equip him to chronicle in readable fashion one subject with equal facility to another. What finally finds its way into type is frequently not written at all by the news-gatherer but by the desk man, or re-write, who takes it over the telephone and assembles and integrates a succession of telephone messages from one or several reporters. The photographer, the cartoonist, the make-up man, each has a contributing rôle. The headlines are always supplied in the office. So, in its entirety, the standard of reporting the municipal government must be on a level with the paper's general standard of reporting and reflect the average intelligence and journalistic training of the staff. Observe that I refer to reporting which is distinct from the stint of comment and interpretation devolving on the editorial writer. Ordinarily, editorial treatment is none the less predicated wholly on the presentation of facts, and often the inferences, made by the reporters, yet it may adopt a different tone.

CRUSADING

Municipal matters offer the newspaper an inviting arena for what is called crusading. News is news only when new. That is why papers strain for first news. Since repetition is not news, otherwise prime news already printed in earlier editions or by a competitor is shunted into secondary position. But the telling effect of iteration and reiteration is not to be gainsaid—it is the key to the very existence of advertising. And to stir a community to realization of conditions crying for reform, nothing in the power of a newspaper exerts so great influence as to ring the changes from day to day and to drive down every nail by cumulative hammering. In such a campaign, all the various implements of the shop may be requisitioned—the news item, the feature story, the editorial, the graphic chart, the photo and the drawn picture, letters to the editor, machine poetry, fiction, jokes. As by little drops of water, the mighty ocean of public opinion will be slowly built up and finally lashed to fury.

Less spectacular, but likely to produce more lasting results, is the educational campaign which, too, finds fallow ground in the municipal field. A series of competently prepared articles, cleverly written to sustain interest, to my mind constitutes the best school for popular instruction in city government. The possibilities are unending and the variety of approach ample. Taking one subject at a time, following it out and inviting discussion by the public, will prove exceptionally serviceable to focus the eye of the community, elicit an active response, reinforce promising proposals, bring invaluable support to desired projects. Articles along similar lines, furnished on request by the officials or by specialists, work to the same end but are generally less readable. A symposium is peculiarly adapted to a debatable question of municipal government. Discussion by experts of problems common to all cities can be helpful if held to the comprehension of "the man in the street" rather than directed to the college graduate. Diversity will be injected by leavening with like information human interest stories of the men and women prominently identified with different municipal activities, describing their achievements as public servants and revealing their views and plans. The newspaper which engages in these educational campaigns will be doing on its own account for its town what a bureau of municipal research does for one of the few large population centers able to maintain it, and often more, too, because the studies and findings of such a bureau, like the ponderous municipal reports, usually have to be translated for newspaper readers.

OPTIMISM FOR THE FUTURE

I confess that I am not won to the idea that municipal matters would fare better if reported by an endowed newspaper or by one officially conducted and published. These suggestions, when tried out, have led invariably to disillusion. The city-owned papers which I have seen are only self-advertising house organs or lifeless legal-notice bulletins. At best such publications are ineffective enterprises because they do not appeal to those whose attention the established journal commands. Does anything encourage hope for more satisfactory treatment of municipal affairs in the press? Discarding deceptive visions, the promise rests, as I see it, in a quickened further development of newspaper character and initiative. While measuring success on the same monetary scale as the commercial venture, the present-day newspaper is more than ever consciously dependent on the esteem and loyal devotion of its patrons which it must earn and retain or go both readerless and advertisementless. Understanding that the unwavering confidence of the community is absolutely necessary to its salvation, the sense of public obligation should be sharpened automatically in the mind of the journalist aiming at success. Shortcomings there are and will be but, fortunately, the policy of liberal independence is becoming easier as political patronage and legal advertising contracts cease to strike audibly by comparison on the newspaper cash register. Honest differences of opinion must be allowed for, and the unavoidable cross currents of our complicated urban life reckoned with, to stay impatience, but there is no good reason why an upstanding newspaper in each American city should not be responding wholeheartedly to the best ideals of municipal government and contributing materially to their progressive consummation.

OUR AMERICAN MAYORS

XVI. JAMES ROLPH, JR., OF SAN FRANCISCO

BY WILLIAM M. HINES

Publisher of The W. M. Hines Publications of California

James Rolph, a champion long-distance mayor, qualifies as Playboy of the Western World. :: :: :: :: :: :: ::

MAYOR JAMES ROLPH

To appraise a man who has been elected five times mayor of San Francisco, and perhaps can be elected a few more times if he wants the office, a story they tell about "Mission Jimmie" Rolph will help.

As the story goes Mayor Rolph was called to address a gathering of men at the Civic Auditorium, the city's heritage from the Panama-Pacific Exposition. After he had been introduced he arose to greet his hearers with:

"Brother Knights and fellow Masons!"

Whether the story be true, or whether it is merely one of those myths that enshroud Rolph's ability to remain mayor longer than any other man in America ever has been mayor of a metropolitan community, it serves to illustrate a characteristic that is typically Rolphian. He attempts, and usually succeeds, to be all things to all men.

Rolph has capitalized Babbitry in the heart of a metropolis; he has flaunted Native Son-ism before cosmopolites; a man of wealth, he has sought principally the plaudits of labor. He is a master of showmanship, the arch-priest of fakery. Ambitious and with an eye for the governorship of California or the United States senatorship, he has never been able to attain either.

While a Republican he obtained the Democratic nomination for governor;

though he is a member of every Republican electoral college for twenty years, a majority of his appointees in his administration have been Democrats. His counselors have been the late Gavin McNab, the Democratic boss of California, and Judge Matt I. Sullivan, who swings equal power among the Republicans.

A GREAT SHOWMAN

Yet this is only one side of Rolph. Politically he is octangular. He has a great heart in him. He knows most people swell with pride at association with "the Mayor," and he takes delight, with no small degree of sincerity, in making the lowly citizens feel on common ground with their mayor.

Here is a typical Rolph trait. On a recent rainy day he was being driven to the city hall when he espied a slip of a girl in a gingham dress standing on the corner in the downpour, waiting for a street car. The power was off. Rolph stopped. Out of his limousine he hopped, and bending over the child, asked where she was going. "And won't you let my driver take you home?" said the mayor. He escorted her into the car, directed the driver to take the little black-haired, blue-eyed child home, pulled his coat collar up around his neck and walked in the rain three blocks to his office.

That's Rolph. He is dramatic in public and in private. He will be late to any civic meeting, and nine times out of ten he has stopped in at the home of some street sweeper to see how Mrs. O'Malley and the kids are getting along.

On the other hand, the highest dignitary of the nations of the world might be visiting San Francisco and, if paraded up Market Street, Rolph will take as many bows with his silk hat as the dignitary. He just can't help being part of the show.

San Francisco is called "the play city." Rolph has helped make it so. He will order the siren on the Ferry Building blown, or the streets decorated with flags and bunting, on the slightest provocation. Hardly a week goes by without a parade up Market Street with Rolph leading the show. Most of the time it is a motion picture actress up from Hollywood.

Rolph adores Hollywood. He has as many friends there as in San Francisco. He went to Valentino's funeral, and he drove all night to get to a breakfast planned for Texas Guinan.

"Playboy of the West," he gives more time to events of this character in recent years than he does to city business. With a charter that gives the mayor of San Francisco extreme powers, Rolph has practically turned the reigns of government over to the chairman of the finance committee. They are bitter enemies, but the leading banker of San Francisco has found it advisable to make the lion and the lamb lie down together. Rolph dislikes a fight, except at election time. The rest of his term he believes in letting "George do it."

MUNICIPAL OWNERSHIP

And George has done it. George has run San Francisco on the shoals of municipal ownership to the point where, today, San Francisco is bonded for $161,000,000. Twenty years ago the bonded indebtedness was $8,000,000.

San Francisco has gone into the municipal ownership of street railways. It has also almost gone into bankruptcy by the same route. Millions put away for depreciation and reserve, at the time when San Francisco's municipally owned lines were the only means of serving those who attended the Panama-Pacific Exposition in 1915, have been dissipated. The charter says that municipally owned utilities shall not pay wages greater than paid by competing businesses. Rolph has wiped this law off the slate. Prior to election he has agreed to pay anything, and they have made him live up to his promises after election. San Francisco's municipally owned lines are running into debt at the rate of $250,000 annually. The people have refused to vote more bonds. Where the tangle will end no one is willing to hazard.

Rolph fought for municipally owned street cars. He promised a seat to every passenger. They have more "strap hangers" today than the private lines. He said the "Municipal Railway will be a gold mine." Auditors have proved it to be a gold brick.

Rolph, those who know him say, does not believe all he says about municipal ownership. On this question he bows at a single shrine. He worships at the altar of William Randolph Hearst.

ROLPH AND HEARST

Hearst owns two newspapers in San Francisco. Rolph fears them. He would like to break away from Hearst, but he doesn't dare. When Rolph ran for mayor the last time the writer was publisher of the *San Francisco Bulletin*. It was the only newspaper that had supported him from the start of the campaign. Every day in conferences with Rolph he worried about what Hearst would do. He begged for support, but Hearst would not give it.

A week before the election the *Bulletin* took a straw vote of San Francisco much after the manner of the *Literary Digest* and tabulated it. We showed Rolph that he would win the election by a majority of 31,000 votes. Other papers openly fought him; Hearst was silent. We showed him that he didn't need Hearst and could win single-handed. But he worried, and two nights before the election he issued a statement advocating the municipal ownership of power lines as a bid for Hearst's support. The next day Hearst editorially endorsed Rolph but also a board of supervisors which would tie his hands. On election day his majority, instead of being 31,000 as the *Bulletin* had forecast, was 33,000.

Beg as he would before election for Hearst aid, Rolph flatly refused to follow Hearst orders not to sign a contract to sell to the Pacific Gas and Electric Company surplus power generated at the municipal dam. Rolph signed the contract and the city has been getting $2,000,000 annual revenue from the sale of power that would otherwise have gone to waste.

CAMPAIGN TACTICS

That Rolph has been able to be mayor of San Francisco for nearly twenty years, has been due to the single fact that his opponents have never been his political or business equals. Rolph has been the lesser of two evils, except at his first election when San Francisco was coming out of the throes of its famous graft days.

In the picking of his opponents there was the fine Scottish hand of the adroit and extremely able Gavin McNab. McNab taught Rolph showmanship. He has written most of his speeches, which Rolph has thrown away as far as phraseology was concerned and delivered his talks in his own homely Rolphian style. During his last campaign Rolph went about the city shunning the halls and public gathering places and spoke to the people from the rear of a wagon, accompanied only by a high-school yell leader who would whoop up the crowd.

In simple and direct manner Rolph appealed to the voters as being one of the people. With silk topper, faultless dress, red carnation in his buttonhole, and incongruous as it may seem, wearing his high-top boots, he went into the highways and byways literally, speaking on street corners with no other appeal than "Are you going to let these dirty, low-down scoundrels say the things, and whisper the things they are whispering about your Jimmy? Of course you are not. You think too much of your San Francisco to do that, don't you?"

He never gave a reason, never advanced an argument, never promised an improvement, never did anything except appeal not to let them say those things about "your Jimmy." And back of the scenes Gavin McNab goaded the opponents to attack Rolph with all the fury they could muster, to call him names, to attack his reputation, to vilify and condemn. And Rolph answered, "They're attacking your Jimmy. These bosses, that we drove out, now want to crush your Jimmy. Do you remember Kipling's Recessional, 'Lord God of hosts be with us yet, lest we forget, lest we forget'?"

One particularly sultry evening as Rolph was speaking the perspiration streamed down his face. As he stepped from the rear of the wagon women rushed up and took their 'kerchiefs and mopped his perspiring face. The women elected Rolph. They wouldn't stand for their mayor being slandered.

ROLPH'S START IN POLITICS

Rolph is a native San Franciscan. He hails from "The Mission" and points with pride as if this were a place of lowly origin. The fact is that when Rolph was a boy, the Mission was the aristocratic part of San Francisco. It was south of Market Street, but farther out than the district where the "Tar Flat" boys flourished and where Jimmy Britt, James J. Corbett and a dozen other pugilists spent their early days.

In his exploitation of the Mission as a place from where the common people sprang, Rolph has taken advantage of the lack of knowledge of most people that in those days there wasn't any other part to San Francisco. There was no north of Market Street section then except a restricted residential district of the multi-millionaires atop of Nob Hill, and Chinatown and the Barbary Coast just beneath its brow.

Local politics began to interest Rolph just prior to the fire of 1906. In telling about Rolph, Sidney H. Kessler, a friend and biographer, explains this episode in Rolph's life as follows:

"Rolph, seeing thousands of refugees from the flames in need of food, shelter and clothing, annexed a deputy marshal's star and on the Friday afternoon of April 20, 1906, he mounted his horse and rode through the Mission district, calling a meeting in his barn. Here the Mission Relief Committee was suddenly and promptly organized with 'Jim' Rolph as chairman, in the dark, without so much as a candle for light. Next day food began to arrive; where some of it came from, nobody knew, but it was there when it was most needed. Using a stall in the barn as his office, the 'Jim' Rolph of 1906 carried on until the early hours of morning administering to the refugees. Hard work and careful planning of this energetic and volunteer committee made it possible to handle the big task of looking after seven thousand refugees who stood daily in the bread line which extended around the entire block. The temporary duties of that emergency body were perhaps the first expression of civic activity that gave young Rolph an insight into his own capabilities.

"When the emergency was passed and a new San Francisco emerged from the ashes, other civic responsibilities began, one by one, to find their way to the desk of the rapidly developing young executive. When in September, 1906, the Relief Committee merged into the Mission Promotion Association, another step in the ladder was passed by Rolph; he was made president of the new body.

"Then followed active participation in the Islais Creek Inland Harbor Association, directorship in the Shipowners' Association of the Pacific Coast and trusteeship of the San Francisco Chamber of Commerce.

"The habit of being returned to office was already beginning to make itself shown, for Rolph served for three consecutive terms as president of the Merchants' Exchange and was one of the leaders in unifying the commercial interests of the city in the present Chamber of Commerce.

"Outside of San Francisco Rolph is known by many as the 'Exposition Mayor,' for during the Panama-Pacific Exposition in 1915 Rolph was a director of the association and was conspicuous in its activities, welcoming at that time visitors from all over the world.

"As one result of his activities in connection with the representatives from other countries at that and other times Rolph has medals and decorations enough to make his stalwart chest look like that of at least a South American brigadier general if he pinned them all on at once."

A GREAT ENTERTAINER

If he chose, Rolph could replace his boutonniére with any of the following orders:

Imperial Order of the Rising Sun of Japan.
Officer of the Order of St. Sava of Servia.
Officer of the Crown of Belgium.
Chevalier of the Legion of Honor of France.
Commander of the Order of Leopold I of Belgium.
Commander of the Royal Order of George I of Greece.
Officer of the Crown of Italy.
Commander of the Order of Orange-Nassau of the Netherlands.

Rolph has entertained high representatives of all these nations. He gave them no greater honors, however, than he has given the mayors of Chicago and New York, when they visited San Francisco.

He particularly is fond of Mayor Walker of New York. They are much of the same type of playboy. On a recent trip to New York Rolph was entertained by Mayor Walker and, not to be outdone when Walker came West, everywhere Walker went the municipal band escorted him. They serenaded beneath his window at the St. Francis Hotel from early morning until late at night.

Rolph believes in fun. Had one mayor not tried and failed to make San Francisco the Paris of America, Rolph would surely attempt it. "I believe San Franciscans are a fun-loving people. They don't take life too seriously," Rolph says in explanation.

He pays no attention to the charges that he is apparently all things to all people. His answer to his critics is final in the statement, "When I was elected mayor I was elected mayor of all the people, not of any set of people."

NEW YORK CITY'S INCOME

BY LUTHER GULICK

Director, National Institute of Public Administration

New York City is second only to the federal government in amount of taxpayers' money which it spends. :: :: :: :: ::

The receipts of New York City in 1928 were $585,941,000. This does not include any borrowed money. It represents the regular yearly income which is available to meet the running expenses of the city. This is about 50 million dollars more than was received last year, and is more than twice as much as was received ten years ago. These figures for the New York City receipts during 1928 are drawn from a special report issued by Comptroller Berry within the last few days. It is a credit to the present administration that a financial report of the city should be available so promptly after the beginning of the new year. The revenues of New York City are greater at the present time than were the revenues of the national government up until 1917, when we entered the World War. From a financial point of view, New York City is second only to the United States Government in point of size in the entire western hemisphere. The revenue receipts of New York City are greater than the combined revenues of the state governments of Pennsylvania, California, Michigan, Illinois, Texas, and New Jersey, in spite of the great institutional, educational, and highway programs which these states have undertaken. The income of New York City is enough to maintain the city governments of Chicago, Philadelphia, Boston, Cleveland, Pittsburgh, and St. Louis.

MAJOR SOURCES

Where does this money come from? Four hundred and eleven million dollars, or 70 per cent of the total, represent the tax on real estate within the city. Another eight million dollars, which is less than 1½ per cent, comes from the tax levy on personal property which is collected with the real estate taxes. The state of New York turned over to the city to spend in carrying on the schools in 1928 over 34 million dollars, or about 5.8 per cent of the total receipts. A total of 43 million dollars is received by the city from the sale of water, from its investments in subways, docks, ferries, and markets. Fines and penalties contributed almost seven million dollars. Special assessments and charges upon real estate to meet the costs of paving, sidewalks, street widening, sewering, and other improvements amounted to 19 million dollars, not including 13 millions of special assessments levied in the tax rates.

CITY'S SHARE OF STATE TAXES

A very unusual feature of New York City's revenue is the large amount of money which is received as the city's share of taxes which are levied and collected by the state. These are:

1. The personal income tax of which the state turns over one-half of the amount it collects to the local units of government in the state, in proportion to their assessed real estate valuations. Last year New York City received from this source $21,270,000.

2. The income tax on corporations collected by the state of which one-third is paid over to the local units of government. From this source, New

York City received almost nine and three-quarter million dollars.

3. A new state income tax on banks went into effect during 1927 replacing the old bank taxes. All of the taxes collected from New York State trust companies and banks are paid over by the state to the cities in which the banks are located. During 1928 New York City received from the banks slightly over six million dollars.

4. The state levies also a tax of 50 cents for each $100 on mortgages. This is collected by the county officials at the time the mortgage is recorded. One-half of the amount collected is turned over to the state and one-half to the local unit of government in which the mortgaged land is situated. From this mortgage tax New York City received four million dollars in 1928.

5. The state gives New York City's five counties a share also of the motor vehicle license tax. Of the licenses taken out by New York City automobile owners, the state keeps three-fourths and the city receives the remaining quarter. In 1928 this was three and a third million dollars.

The total amount received by the city as its share of these state taxes was thus 45 million dollars, or 7.68 per cent of the total receipts of the city.

ONLY ONE ELASTIC TAX

While the city authorities can increase the receipts from licenses, permits, fines, and minor charges for departmental services, there is only one important source of revenue which can be increased or decreased to balance the budget. This is the tax levy on real and personal property. This is the city's only elastic source of revenue. During recent years there has been a reduction of the tax rate. This has come about, however, not as the result of a reduction of the budget, but primarily as a result of the increase of assessed valuations. The highest tax rate in the history of the city was in 1921, when it reached $2.77 per $100 of assessed value. In 1928 the rate was $2.66, or 11 cents lower. These rates do not include the slight additional levy for certain improvements which vary from borough to borough.

The state constitution limits New York City's tax rate for local purposes, other than the debt, to 2 per cent of assessed values. Only once has the city needed all of this amount. In 1928 another 12½ million dollars could have been levied without exceeding the legal limit.

REVENUE TRENDS

A study of the city's revenues which was undertaken on behalf of Mayor Walker's committee on budget and revenues, shows that the most important changes which have taken place during recent years are, first, the growth in the amount of money which the state is turning over to the city for schools, and second, the development of the new state policy of distributing to the cities a share of the state taxes. In both of these movements the state of New York has gone further than most of the other states in the Union. This program has been advocated for many years by the state tax department and by the Legislative Committee on Taxation, of which Senator Seabury C. Mastick is now chairman. The reasons for this policy are:

1. To relieve the financial difficulties of the cities which arose with the increase of prices following the World War.

2. To relieve real estate of the rapidly growing burden which was thrown upon this single source of revenue because of the fact that the property tax is the only elastic revenue available for the cities.

3. To furnish larger revenues for

education in recognition of the state's responsibility for the schools and because there is no important field of local activity in which the needs have grown faster than in education.

The general success of this program is shown by the fact that though there has been a tremendous increase in the revenues of the city, the proportion falling upon real and personal estate has been reduced slightly from 76 per cent in 1918, to 71.6 per cent in 1928. The *true* tax rate is also probably lower than it has been at any time since the beginning of the World War, if we adjust assessed values to a comparable basis. The amount of state aid available for education within the city has increased from two and a half million dollars in 1918 to 34 million dollars in 1928. In 1915 the only state taxes in which the City of New York shared were the bank tax, the mortgage tax, and the liquor excise tax. It will be seen, therefore, that the new taxes in this field are the personal income tax, the corporation income tax, and the motor vehicle license tax. With these new taxes the city is now receiving as a share of state taxes over four times as much as it did in 1915. It is thus evident that the program of the tax committee and the tax department is producing the desired results.

NEW SOURCES

As we look ahead for the next few years, it is probable that the city will require additional sources of revenue. It seems rather obvious from what has appeared in the press with regard to subways, street widening, bridges, schools, hospitals, police, repaving, street cleaning, playgrounds, parks, elimination of grade crossings, and water supply, that we must look forward to an increase in the expenditures of the city. Though a large part of these expenditures will be met with borrowed funds, the time will come when the loans must be paid with taxes and other revenues.

CHARGES FOR SERVICE

There are two important avenues along which we may find the added revenues which the city needs. In the first place, we should endeavor to place a larger proportion of the costs of furnishing improvements and governmental services upon those who are directly benefited by these services. The city is already levying special assessments for development of streets, sewers, and parks. There has been a great deal of discussion of the use of special assessments to pay at least in part for subway construction, but as yet nothing tangible has been accomplished. Several official bodies have recommended the establishment of what is called an increment tax which involves the levy of a special tax in addition to the regular real estate tax, upon any increase which may take place in land value.

A large part of the water furnished by the city is sold on a frontage basis and not on the basis of the amount of water consumed. The gradual installation of water meters would make it possible to make fair charges for water consumption.

The owners of motor vehicles are falling very far short of paying their fair share of the construction and upkeep of our streets and for the control of traffic. The enactment of a state gasoline tax with a distribution of a large part of the amount collected to the localities would serve to place a somewhat fairer burden upon those who benefit from the use of our streets and highways.

If the city administration would make a thorough study of all of the services which it renders to individuals and to corporations, it is certain that the opportunity would be found of placing a very much larger proportion of our total expenditures upon those who benefit directly as a result of the city services.

NEW STATE TAXES

The second method whereby the city may secure additional resources is through the development by the state of taxes which may be shared with the local units of government. Because of the complexity of modern economic life, we are finding that it is almost impossible to develop any important tax without placing the administration in the hands of the state or nation. This is especially true of corporation taxes, income taxes, inheritance taxes, and gasoline taxes. The fact of the matter is that the boundaries of cities, towns, villages, and counties do not follow natural economic boundaries. This makes it almost impossible for the smaller units of government to administer these new taxes. Of course, state lines do not follow economic boundaries very much better, but, after all, they are sufficiently far flung so that they encounter fewer inconsistencies and difficulties. We must look forward, therefore, to the development of new state taxes which may be shared with the municipalities. During the years which lie immediately ahead, we may expect to see the enactment of a gasoline tax, the enactment of a tax on unincorporated business, and a further increase of state aid for schools. If such a program is carried into effect, the City of New York will have the revenues which it must have without any material increase in the tax rate which is levied annually upon real estate.

RELATION OF BUILDING HEIGHT TO STREET TRAFFIC—A REPLY

BY HERBERT D. SIMPSON
Northwestern University

Dr. Simpson rejoins to Mr. Goodrich's rejoinder.

In reply to Mr. Goodrich's criticism[1] of my article on "The Relation of Building Height to Street Traffic,"[2] I think I need only say that I should agree entirely with everything Mr. Goodrich has said. Indeed, it would scarcely be possible to think otherwise; and if Mr. Goodrich will refer to page 411 of the original article, he will find a graph illustrating the situation he suggests, namely, a "four-block district," with a limited number of entrances. The point on this graph designated "Point of entry and exit" illustrates one of the peaks of traffic density which Mr. Goodrich discusses.

On this graph it is obvious that, with the number of approaches remaining the same, if the building height and occupancy of the district reached by these approaches are doubled, the number of pedestrians passing through the entrances morning and evening will be doubled; if the height and occupancy are trebled, the number passing through the approaches will be trebled, and so on.[3] This must be so obvious that both Mr. Goodrich's elaborate algebraic equations and my own illustrative graph are entirely superfluous, so far as this point is concerned; and, in fact, I intended the graph only as a starting point from which to move to an entirely different aspect of the problem.

---

[1] See the NATIONAL MUNICIPAL REVIEW for February, 1929, pp. 94–96.

[2] NATIONAL MUNICIPAL REVIEW, July, 1928, pp. 405–418.

[3] Except that Mr. Goodrich's equation assumes

This problem is the influence of building height on the average volume of traffic traversing the streets of the district in question. On the graph, for example, this would mean the traffic count, for twenty-four hours or other period, on blocks C, D, F, J, and any other blocks within the district affected by the alternative building heights under consideration. This was stated clearly in the original article, as on page 406, where the statement was made:

> Changes in this average amount of traffic, it is true, will not necessarily throw much light on problems of maximum density of traffic at particular times and places.

There are many other points of peak traffic with respect to both time and place, in some of which building-height is an important factor; with others of which building-height has no more to do than the moon has. So that we have here two very distinct problems, one of which is concerned with the average volume, the "steady run" of traffic—the substratum of a traffic structure; the other with the various peaks of traffic density superimposed upon this substratum; and to a considerable extent the two are governed by different sets of conditions.

A TWOFOLD PROBLEM

The article in question was a study of the former problem, a study solely of the relation of building-height to the average volume of pedestrian and vehicular traffic. The formula suggested is applicable and the conclusions pertinent only to situations in which the problem, or one of the problems, is to estimate probable changes in the average volume of traffic traversing the streets of a district in consequence of contemplated changes in building-height.

I may add two observations, the first of which is occasioned only by the fact that Mr. Goodrich apparently had not read my article carefully before formulating his criticism. On page 95 of his criticism he says:

> Since the whole analysis omits consideration of a time factor with reference to movement . . . and since it is unreasonable to assume any different velocity . . . with different building heights . . .

At page 416 of my original article, footnote 1, the statement was made:

> We are, of course, assuming the same pedestrian "velocity" in both cases, which is a safe assumption wherever adequate street and sidewalk width is provided.

And finally, Mr. Goodrich concludes with a statement, with which likewise it would be difficult to disagree:

> No engineer would design a bridge for the average load moment, nor would a competent city planner determine the width of a street or sidewalk for average traffic conditions.

What we try to do in the downtown sections is to build streets that are cut to fit exactly neither the average nor the peaks, but that will take care of the general run of traffic comfortably; and then we expect people to put up with a

---

that the pedestrian traffic and the "total occupancy of the district" are the same things; whereas the pedestrian traffic, at the points of approach to the district and elsewhere, is made up not only of occupants of the buildings in the district but of shoppers, clients, agents, callers, sightseers, and casuals of many varieties, whose number may or may not correspond to the height of buildings. But this assumption, I take it, was made merely in order to simplify the algebraic equation, and, as such, has my entire sympathy.

little crowding mornings and evenings, "dollar days," and on other special occasions. And that is about all that can be done. Certainly no engineer in his right mind would design streets in the downtown sections to provide comfortably for the *maximum* traffic that would sometimes concentrate there if there were room for it. That is, if we provided sufficient street and sidewalk width to accommodate comfortably—on baseball days and other special occasions—all the pedestrians and vehicles, the street cars, motor busses and trucks, the shoppers who want to look at the window displays, the curious and otherwise who will congregate to gaze at a "Flagpole Jim" doing a sitting marathon on the flag pole of the Morrison Hotel, the "movie" crowds, and the cars of business men, tourists, and others who *would* be there if they could park,—if we provided street width to accommodate all of these people comfortably on all occasions, there would be little room left for anything else.

But these commonplace observations as to what we do or don't do, do not get us anywhere. What we need is more of the facts, upon which to base future policies. In the article under discussion, I pointed out two or three definite facts bearing upon the relation of building-height to average volume of traffic. There is still plenty of "sidewalk width" for any one who wishes to discuss the problems of getting into and out of a district, the various factors that condition the peaks of traffic, and all the other aspects of the general traffic problem.

Perhaps I may add, though it seems scarcely necessary, that the article in question was in no sense an argument against city planning, height limitation, or other regulation. There are probably few readers of the NATIONAL MUNICIPAL REVIEW who would go farther than the writer in favoring social control in the future planning and direction of cities and urban areas. But these policies should be based on facts, wherever the facts can be demonstrated, rather than on mere opinions and attitudes.

Whether my exact formula of a square-root relationship stands the test of further criticism and experience or not, at least it should help somewhat to clear the ground definitely of the old idea that changes in building height must necessarily be reflected in direct and *proportional* changes in the amount of street traffic; and that if you double the building-height, there will be twice as many people on the streets; if you treble the height, there will be three times as many, and so forth. That conception of the problem is as naïve, and as erroneous, as a belief that the earth is still as flat as it was before Magellan circumnavigated it.

ESSENTIALS OF AN EFFECTIVE FIRE PREVENTION BUREAU

BY HAROLD A. STONE

Chief Engineer, California Taxpayers' Association

As explained in the NATIONAL MUNICIPAL REVIEW[1] for February, a new trend towards the establishment of well-manned and effectively organized bureaus of fire prevention is taking place. Inasmuch as many cities, both large and small, have already responded to the new movement, it is appropriate to consider what constitutes an effective bureau. How should it be organized, manned, empowered, and what method of operation should it use?

A successful bureau is one that is controlling fire hazards. This control reduces and eliminates conditions which may start or aid the spread of fires. It also aims to provide for the escape of occupants in case of a fire.

THE FIRE PREVENTION CODE

A well-organized bureau working under inadequate fire laws is seriously crippled when compared with one that has full authority to do whatever may be deemed necessary for the protection of the citizens. The up-to-date fire bureau has a fire prevention code. The code should confer wide discretionary powers upon the bureau since no detailed legislation can cover every circumstance. Minimum requirements demanded of garages, theatres, storage of hazardous materials, special occupancies, etc., should be set up and penalties should be provided.

Better codes provide for a board of appeals to which aggrieved persons can take their troubles for review. As in the case of zoning, the success of obtaining compliance of discretionary orders largely lies with a conciliatory board. They can, in many instances, take off the sharp corners of orders of the bureau to appease the appellant and, at the same time, obtain the major part of the improvement.

Adequate zoning and building restrictions are essential in controlling fire hazards. Proper zoning and city planning can provide for the building of fire stops, which San Francisco did not have prior to its famous conflagration. It can also keep dangerous establishments out of high-valued districts.

A building code and an electrical code are certainly needed in all sizes of cities. Those ordinances should approach the scope and rigidity of the requirements of the model codes published by the National Board of Fire Underwriters, Bureau of Standards, and the Building Code Committee of the Department of Commerce.

ORGANIZATION

The type of organization and methods of operation can be set up after the work of the bureau is clearly understood. The work of the bureau in controlling hazardous conditions is divided into five phases: (1) routine inspections, (2) technical surveys, (3) determination of the causes of fires, (4) granting of permits and certificates of approval, (5) education and publicity. Many little violations of the fire ordinances and the daily creation of dangerous conditions caused by the "human hazard" can be ferreted out by continuous routine inspections. On the other hand, major improvements in occupancy and structure which, from past experience, have demonstrated their worth in bettering conditions, are to be found and recommended in comprehensive technical surveys. Because knowledge of the causes of fires is fundamental in preparing remedies, each fire is to be investigated to discover its cause and origin. Permits and certificates of approval for machinery, supplies and manufacturing processes are necessary to safeguard innocent persons from the inexperience and negligence of others. Education plays its part in acquainting the public not only with hazards, but also in ways and means of prevention. It can be seen from this brief outline of the bureau's work that the things to be done can be rather definitely defined.

---

[1] "Balancing Prevention with Fighting within the Fire Department," by Harold A. Stone.

Some branch of the municipal government should be charged with the specific duty of fire prevention. It is deemed best to centralize this responsibility in a fire prevention bureau. The best place for the bureau is in the fire department, on an equal footing with the fire fighting division. Thus, each of the two divisions of prevention and fighting will have a separate chief in the larger cities of say 500,000 population and over, while those in the smaller class can be successfully managed by placing the head of the bureau under the chief of the main department. The larger places will necessarily have a fire commissioner in charge of all the fire protection forces. Some municipalities have no separately organized bureau, but rather join the work of prevention with fighting, as is practiced in San Francisco and Troy, N. Y. It is found in such cases that prevention is of minor importance only and is generally slighted. This is not the desirable arrangement.

PERSONNEL

The bureau should be manned by a carefully selected staff. Broadly speaking, it will be made up of three classes of employees: (1) fire prevention engineers, (2) uniformed men from the station houses, (3) clerks and record keepers. The engineers must necessarily do the technical work in surveys of factories and large buildings. Their reports will contain recommendations for improvements. The second group on the staff will make most of the routine inspections to correct violations of the ordinances. Stenographic duties, statistical information, and compilation of records can be done by women clerks rather than by big brawny firemen, as is so often the case.

At least one engineer is needed in the smaller towns of say 20,000 and under. It is advisable to place him in charge of the bureau, which may oftentimes be combined with the bureau of buildings, to form a bureau of building and fire prevention. These two are not to be combined in the larger cities. The larger municipalities will need several different types of engineers, such as civil, chemical and mechanical. The more the city is industrialized, the larger the number of engineers that will be needed, but the number required is a local problem, according to the volume of work to be done. It appears that a larger number in the mechanical field will be found desirable rather than to draw upon the other two fields for additional men.

Several cities are successfully using a central clerical and record-keeping staff for both the fire department and the fire prevention bureau. Others separate the work, while a large number of cities have no one employed specifically for clerical services. This is obviously a mistake. A young clerk of average training is much better fitted for this type of work than the regularly employed uniformed fireman. The up-to-date bureau of prevention, as well as the fire department, is now employing women for this service.

The size of the bureau staff is, of course, dependent upon the size and type of city. In this instance, size refers to the number of full-time employees made up of engineers and clerks. At present, no general practice can be cited, as some of the largest cities have much smaller bureaus of fire prevention than a few of the smaller cities. Take Philadelphia and Fresno as examples. There are not more than a dozen active men physically fit for duty in the former city of 2,000,000 people, while five or six full-time men and women are employed in the bureau at the latter place of only 80,000 inhabitants.

The type of city has an important bearing upon the size of the bureau staff. An industrial city, with closely built areas of manufacturing plants, attended with the usual densely populated districts, presents a much more difficult problem to the fire prevention organization than a city that is simply residential in type. Concentration of high values, when surrounded by areas choked with fire traps, as in Los Angeles, likewise makes prevention work difficult. Because the positions in the bureau must be ranked with those in the department, the rate of compensation of the manager of the bureau and his staff is governed by rates paid in the fire department.

INSPECTIONS

At least one, and occasionally two, uniformed men from each station house should be detailed daily to make routine inspections in two-hour shifts. Transfer from the fire department to the bureau should be made so that the head of the bureau can direct the work of each man. A schedule of hours can be devised so that the company's force is not diminished from the required fighting strength. Oftentimes it will be found that additional men will not be needed to provide for this inspectional work when the fire department is operating on a one-platoon system. But generally an extra man is needed when a two-platoon system is used. This extra man, of course, is actually needed only during the time when one of the company's men is out in the field making inspections. Rotation is recommended, except in cases where an employee is not at all fitted for such duties.

Close coöperation between the fire prevention bureau and other departments of the city government is essential. These are the bureau of building, engineering and police departments, and the zoning and planning commissions. Similarly, cordial relationships with various civic bodies will be helpful. In fact, no small part of the educational program will be carried out by this latter group.

In the very large cities, laboratories will be needed where hazardous machinery and materials can be tested prior to their use. New York City maintains such a laboratory. Where the volume of testing work is not sufficiently large to warrant a laboratory, the bureau can look to the Bureau of Standards and the National Board of Fire Underwriters for special advice.

FORMS AND REPORTS

Part of the fight against the fire demon is with paper and pencil. A bureau without suitable forms, report cards, files and follow-up systems at headquarters should not receive as high a rating as one that is so equipped. Control of the details of the business cannot be efficiently or thoroughly obtained without doing some paper work. This is an axiom that is just as true in a bureau of prevention as in any successfully operated business.

Every bureau should publish an annual report. In the larger cities, two types of reports will be found desirable. The first type is for the bureau's own use. It should completely analyze the year's work, and include comparable data covering the past several years. The second type of report, designed for the use of the city council and the general public and written in popular style, suitable for newspaper column can be a summary of the first. Statistics in graphical form are oftentimes more effective than a tabulation of figures.

The above elements of law, organization, reports, inspections and so on are merely tools to be used in the control of fire hazards. To be effective, however, the tools must be put to use and made active. It follows, then, that the last essential is the method or procedure of operation wherein tools are made to function.

WORK SCHEDULES

This procedure should be so designed that a typical work schedule shows the steps in sequence and a simple and direct line of travel for each operation for every step from the moment of origin to final disposition. Inspectional reports are not to be taken out of the follow-up file until violations are corrected and recommendations for improvement are carried out.

Inspections may be grouped into four classes on the basis of origin. The *first* covers those inspections and technical surveys originating from a schedule of all buildings (except dwellings) so arranged that each will automatically be inspected the required number of times per year. No building should be omitted; thus an audit is needed to see if all have been inspected at proper intervals.

The *second point* of origin of inspections is from applications for permits and certificates of approval. A line of travel from the time of origin to final disposition of all applications is needed. The reissuing each year of certain permits is the *third point* of origin for inspections.

Complaints account for the *fourth point* with respect to origin of jobs. Provision should be made for receiving these from the police department, bureau of building, and from the public. A bureau wishing to court favor of the citizens will report the findings to the person making the complaint.

The system is to be so developed that the bureau is in constant touch with all cases of violations of the code. Immediately following their discovery, orders for correction are to be served. Compliance with orders are to be obtained within a fixed maximum elapsed time by using a follow-up method. This particularly applies to violations of the code discovered by routine inspectors. The work can be expedited by close working agreement with the court, in case it is necessary to invoke the law to make offenders comply with the provisions of the ordinances. A summons can be made out by the bureau, signed by the court, and then served within a short space of time. On the other hand, recommendations for improvement, arising from a technical survey, cannot be obtained by a fixed method of procedure. Each case calls for individual handling, with due regard that it may be taken to court. It is far more satisfactory, however, to have a review before the board of appeals when objections are made by the owner or tenant, than to make a defense in court.

An arrangement is necessary whereby an engineer answers all alarms so that an immediate investigation can be started of the cause and origin of each fire. The line of travel of such jobs depends upon the findings, whether arson, incendiary, preventable or careless fires. The police and state fire marshal should be called in the first two cases, while provisions of personal liability laws will determine the steps to be taken in other cases. A bureau would do well to place the responsibility for a careless fire directly upon the negligent person. It would be better still to enter suit in civil court against the culpable person to collect the costs of extinguishing a fire originating from carelessness. Owners of adjacent properties who suffer loss should be aided in their attempt to collect damages for such losses. The bureau that honestly attempts to place personal liability for fires, as is commonly done in Europe, and in a few instances in our own country, is to be commended.

RECENT BOOKS REVIEWED

COUNTY GOVERNMENT AND ADMINISTRATION IN NORTH CAROLINA. By Paul W. Wager. University of North Carolina Press, Chapel Hill, N. C. Pp. 447.

Here comes the important fruition of fourteen years of work at the University of North Carolina begun by Professor E. C. Branson, who was a voice crying in the wilderness regarding the state of county government in the days when to be interested in that subject was even more of a distinction than it is now. On the scanty twelve-inch shelf of literature on county government, this volume becomes an important companion to the corresponding state-wide study which was made in Iowa under the corresponding title by Benjamin M. Shambaugh, William Anderson's *County Government in Minnesota*, and the realistic study which C. C. Maxey made of the three counties of Delaware in 1919.

This North Carolina study is based upon field investigations made in forty-three of the one hundred counties of North Carolina. It took three years to complete. After three chapters that review the legal and political history of the county as a unit in North Carolina government, Mr. Wager proceeds to describe realistically the way the counties do their work, function by function, an admirable arrangement which gives opportunities to match up the practice of progressive counties against the unprogressive ones in a circumstantial way that will greatly interest county officials in the state if they can be induced to read it.

In disclosing corrupt or inefficient practices, the author does not name names or places. Specific evidence is repeatedly suppressed under a generality which would appear to be pure opinion were it not clear by the context that the author could easily tell a great deal more and quote cases if he wanted to.

The mildness of the author's manner in speaking of the ludicrous backwardness of rustic administration is matched by a similar mildness in proposing reforms of a drastic and wholesale nature, and so the book, while nowhere nearly as juicy as it easily might have been under the circumstances, avoids the stirring up of wrath in the opposition and becomes a sober and useful instrument for persuasion and progress in North Carolina.

The program of reform to which the book gently leads the reader is the same as that proposed by the National Municipal League: the establishment of a structure of government that will provide a governing board, an appointive county manager, a drastic reduction in the number of elective offices, the abolition of coroners, an orderly budget procedure, and the making of the county seat a centre of culture and service. The county manager has already appeared in North Carolina by virtue of a law passed in 1927 which sounds like an excerpt from one model charter. The law reads: "The board of county commissioners may appoint a county manager who shall be the administrative head of the county government and shall be responsible for the administration of all the departments of the county government which the board of county commissioners has the authority to control. He shall be appointed with regard to merit only and he need not be a resident of the county at the time of his appointment. In lieu of the appointment of a county manager, the board may impose and confer upon the chairman of the board of the county commissioners the duties and powers of a manager as hereinafter set forth, and under such circumstances such chairman shall be considered a whole-time chairman. Or the board may impose and confer such powers and duties upon any other officer or agent of the county who may be sufficiently qualified to perform such duties and the compensation paid to such officer or agent may be revised or adjusted in order that it may be adequate compensation for all the duties of his office."

Iredell County has appointed a manager.

Davidson County has conferred the managerial powers upon the newly appointed county accountant. The author approves of this combination and states that it is an arrangement that will meet the need of half the counties of the state.

Guilford County has made the chairman of the board a county manager in name, although the auditor continues to exercise many of the powers that would ordinarily be exercised by a manager.

It is expected that there will be numerous other county managers of one type or the other within the next few years.

The likeness of this plan to the city manager plan will not be complete because the county treasurer, the clerk of the superior court, and the road commissioners remain outside of the manager's control.

The volume discloses that there is a group of people in North Carolina who have given more attention to the problems of county government than has been given to this subject in any other state, that very substantial progress and improvement have been made and that the promoters of these efforts are headed in the right direction, know rather exactly where they are going and are on their way. It seems likely that North Carolina will be the state from which will come the pioneer information of successful working of the county manager plan and of other vital improvements in county governments as an example to the rest of the Union.

RICHARD S. CHILDS.

*

STATE ADMINISTRATIVE SUPERVISION OVER CITIES IN THE UNITED STATES. By Schuyler C. Wallace. New York: Columbia University Press, 1928. Pp. 288.

"In this day of industrial civilization no community can maintain an independent and isolated position." Hence, "the proper relationship of American cities to the governments of their respective states" becomes essential to an understanding of the local public process. Dr. Schuyler C. Wallace has not tackled the whole range of municipal-state relationship, a life job for any research student. He has selected the segment that promises the most fruitful findings under the attack of concentrated study, which is the State Administrative Supervision over Cities in the United States. In general, his attack has been to examine "the fields of local activity most commonly supervised and the mechanisms of control most frequently employed." An enumeration of the fields, however, reveals that while one dimension of his analysis is purposely narrowed another dimension is as large as the area to be measured. That is to say, the author has completely covered all subjects upon which, in one fashion or another, the city is harnessed with the state to the same doubletree. The major subjects, each affording a chapter in the volume, are finance, health, education, public dependency and delinquency, and municipally-owned utilities; the minor topics, combined in a single chapter, are fires and fire hazards, civil service, libraries, ports and harbors, and the incorporation of municipalities.

The outstanding contribution of Dr. Wallace is to establish beyond peradventure the place of state administrative supervision in the structure of American government and the extent of the acceptance of the philosophy of administrative supervision in our public law. We now know where we are.

Few specialists can turn to the chapters dealing with their fields without gaining from the concise treatment of the problems. He who appreciates the value of looking around corners will gain access to information previously unavailable or at best contained in fragmentary sources.

The author hazards a prognosis. American administrative supervision today is largely supplementary to legislative control of cities. The necessary relations between states and municipalities in Europe are chiefly managed through administrative agencies which are substituted for an earlier legislative control. He concludes that America will continue to pattern her state-city relations upon Europe, in general, and upon England, in particular, where "the emphasis is emphatically on what might be called the persuasive mechanisms of control." If the forecast is proved correct by the event, the content of American public law will be enriched, made more efficient in operation, and rendered more serviceable to civic life.

WYLIE KILPATRICK.

The University of Virginia.

*

CITY GROWTH ESSENTIALS. By Stanley McMichael and Robert Bingham. New York: E. P. Dutton & Co., 1928. Pp. 430.

City Growth Essentials is the book we have been awaiting for twenty years or more. As a worthy successor to that most interesting book, published by Richard M. Hurd, entitled Principles of City Land Values, *City Growth Essentials* goes far beyond its predecessor in that it not only explains in an up-to-date manner the principles on which city land values are based, but also develops the whole relationship between real estate and public and semi-public improvements.

A book which would bridge the gap between city planning and real estate has long been needed. Too often the realtor has considered the city planner to be an impractical visionary, while the city planner has considered the realtor to be a closed-minded reactionary.

This book differs from the research work of the Federated Societies on Planning and Parks and of the Institute of Research on Land Economics, in that it deals primarily with urban land rather than rural land, and that it approaches the subject on the "case work" principle in contrast with the more synthesized and more general studies of the other two bodies.

It differs from the interesting recent books on human geography and human ecology by such authors as Brunhes, Vidal de la Blache and Burgess, in that these latter approach the subject largely from the sociological and physical side. *City Growth Essentials* approaches it primarily from the economic and financial side. In a word, the book is a most laudable attempt to state the principles of city growth succinctly and, if possible, to reduce them to rules or laws.

The content of the book is divided into three parts: the first deals with the origin and growth of cities, their function, their types, facts determining location and affecting expansion, the effect of topography, and the part played by highways and transit in the cities' growth. The second part deals with real estate values, their bases and the factors influencing them, and then the differences between business, industrial and residential values.

Part three deals with modern tendencies in cities, showing that the United States is over half urban already; the effect of the automobile on decentralization; the growth of neighborhood shopping centers; the chain store; shifting business districts; the effect of streets that are too narrow, or too wide and one-sided streets; the tendency of business to move away from railroads and waterways; twilight zones; the skyscraper; racial and national groupings; the effect of zoning city and private restrictions; and the relation of the city to its citizens.

The final chapter, entitled "The City of the Future—a Vision," is delightfully imaginative, and yet who can prove that the astonishing predictions of the authors may not come true even within our own lifetimes?

City Growth Essentials is eminently inspiring and provocative of thought for the city planner and all interested in public improvements.

George B. Ford.

New York City.

Quantitative Methods in Politics. By Stuart A. Rice. New York: Alfred A. Knopf, 1928. Pp. xxii, 331.

In elementary courses in political science, instructors have often pointed out that some of the best treatises on government are written by others than natives of the country whose institutions are described. The publication of Professor Rice's stimulating volume emphasizes that nowadays some of the most novel contributions to political science are offered by citizens of neighboring domains. It has even happened on the other hand that venturesome political scientists wandering into such alien lands as border on psychology and psychiatry have returned bearing plunder which the natives pronounced fit only for the garbage heap. So we need not wonder that when an historian interprets the revolutionary movement in Massachusetts in terms of politics and psychology, and portrays the ravaging but dominating effects of three disordered personalities, overstimulated one by incipient disease, another by alcohol, and the third by an inferiority complex, many political scientists will feel an irresistible call to summon the classical figures of Burgess, Lowell, and Goodnow to banish such outlandish caricatures.

But Professor Rice puts squarely the question (and this is perhaps the chief significance of his volume, as also of Merriam's *New Aspects of Politics*) whether political scientists can or should return to a discipline compounded of history, law, philosophy, and the literary description of institutions. To know how institutions actually operate may be more important than to be able to state the legal presumptions about their operation. To know qualitatively, and that within the limits of severely restricted categories, was almost the exclusive preoccupation of American political scientists until the first conference on the science of politics and the Social Science Research Council began to throw up the windows. To know quantitatively whatever lends itself to quantitative treatment is however gradually winning acceptance.

To many younger men in the field Professor Rice's book will be a guide and a spur. In a dozen ways Rice shows how quantitative material can be got at, and how it can be handled. Most of the cases—the book is essentially a case book—have already been published, but their reproduction in a single volume is more than a convenience; it is a landmark of the statistical method applied to politics. Skeptics may amuse themselves by knocking over statistical straw men, but serious students will appreciate the possibilities which Professor Rice opens up.

LEONARD D. WHITE.

The University of Chicago.

⁂

READINGS IN PUBLIC OPINION, ITS FORMATION AND CONTROL. W. Brooke Graves, Editor. D. Appleton & Co., 1928. Pp. xxiv, 1281.

The preparation of textbooks is an uninspiring business. Few have enough courage today to do a genuinely independent job. There is a prodigious amount of unblushing plagiarism which goes unpunished because no one is sufficiently without sin to cast the first stone.

In contrast to the course of evolution which textbooks have taken, books of readings are beginning to display great variety in content and organization.

Beginning with books of documentary science material they have been slowly developed until today everything, from the pungent and penetrating utterances of Mr. Dooley to elaborate and excellent articles from the scholarly review, is to be found within their covers. The present volume represents one of the best efforts in this direction so far. Professor Graves has not only been indefatigable in his industry but he has displayed unusual insight and intelligence. Here is a book of readings that stands squarely on its own bottom. It is not a supplement but an adequate text in itself. Secondly, it is a pioneer work in a field that must undoubtedly soon be in the front rank of college offerings. To the reviewer, the opening portion relating to the psychological nature of public opinion and the effect of heredity is somewhat weak but no weaker than most of the stuff that has thus far come to us from our colleagues the psychologists and psychiatrists. The chapters which follow on the school, the church, the press, movies, theatre, radio and other institutions, are full of meat. So also are the materials assembled to illuminate the work of commercial and civic organizations.

Lastly, the publisher deserves some credit. Here is a sturdily bound, neatly printed book of 1265 pages for $6.00—less than half a cent a page! There isn't a textbook on the market as adequate or as inexpensive.

JOSEPH MCGOLDRICK.

Columbia University.

⁂

A BIBLIOGRAPHY ON STREET AND HIGHWAY SAFETY is an extensive work prepared for the Committee on the Cause and Prevention of Highway Accidents, Highway Research Board, by the staff of the library of the Bureau of Public Roads.

It would require a good deal of effort to obtain a selected list of references from the 388 mimeographed pages of this inclusive bibliography if it were not for the detailed classification of subjects given in the table of contents. A useful list of the periodicals cited is also included to aid in the securing of the desired articles.

Owing to the limited edition, the publishers have requested that we make our copy available to those in the vicinity. Anyone interested will find it on file at the League offices.

E. C.

JUDICIAL DECISIONS

EDITED BY C. W. TOOKE

Professor of Law, New York University

Implied Powers—Municipal Business Enterprises—Use of Memorial Building to Exhibit Shows for Profits.—The use to which Kansas municipalities may put the memorial buildings erected under legislative authority[1] has been the source of considerable litigation in that state. Municipalities which had availed themselves of the power granted found themselves in possession of buildings with commodious assembly rooms which they were obliged to maintain at public expense[2] and it was perhaps but natural that the local authorities should have attempted to make the available facilities a source of revenue.

The first attempt in this direction, although the rental involved was only nominal, was a proposal to lease several rooms in the Kansas City Soldiers and Sailors Memorial Building to a patriotic organization and, in a taxpayer's action which was successfully maintained, the Supreme Court of Kansas, as previously noted in this REVIEW,[3] held that the city in the absence of express legislative authority was without power to lease any of the property to a private corporation even though organized solely for public purposes.[4]

Subsequently the supreme court had occasion to pass upon this question again and it became conclusively established that Kansas municipalities have no power to lease their memorial buildings to private parties for private purposes.[5]

The city of Hiawatha having been enjoined from continuing an arrangement whereby it had leased its memorial auditorium to a private person for the exhibition of road shows and moving pictures, the local authorities conceived the idea of conducting the enterprise as a city venture and began the exhibition of shows in the auditorium every week night, except on a few occasions reserved for other purposes, charging an admission fee which was about ten cents less than usually charged by other show houses.

This situation, the latest development in the activity of Kansas municipalities with reference to their memorial buildings, was recently presented before the supreme court of that state[6] and it was called upon to determine the power of the city of Hiawatha to use its memorial in connection with such an undertaking. That the enterprise of the city authorities in this direction was deemed unusual is perhaps indicated by the fact that the action to enjoin the activity was brought on the relation of the attorney general *in propria persona* and not by the usual "taxpayer."

It was conceded that there was no express authority in the act providing for the construction of the memorials[7] which empowered the city to engage in the moving picture business or any other commercial enterprise in the building and the court held that nothing in the powers granted by the legislature warranted the inference of an implied power for this purpose, but on the contrary that no such implication could arise as the legislature instead of providing that the expense of the maintenance should be met by the profits earned in carrying on a commercial enterprise expressly provided that the expense of maintenance should be paid out of the general fund, or, if insufficient, out of a special fund authorized to be created by taxation.[8]

It is interesting to note, that while the question presented by the facts of the case was adequately disposed of on the foregoing grounds the court evidently felt it necessary to consider the validity of a supposititious statute wherein the legislature had undertaken to confer such a power and to place itself on record to the effect that for a municipality to carry on the business in which the city in the present case was engaged "is beyond the reach of municipal powers, in that it is repugnant to our state policy as evidenced by the constitutional, statutory and common law of the state."[1]

---

[1] Kan. Laws 1921, c 256, Rev. St. 1923, 73–401.

[2] By-Laws 1925, ch. 247, "The expense of maintenance of said memorial shall be paid out of the general fund of the county or city, or in the case the same shall not be sufficient, shall be paid out of a special fund which shall be created; for which the counties or cities are authorized to make a levy of not more than five-tenths of one mill per annum."

[3] Vol. XVII, No. 2, p. 700, February, 1928.

[4] *Darby* v. *Otterman*, 122 Kan. 603, 252 Pac. 903.

[5] *Electric Theater Co.* v. *Darby*, 123 Kan. 225, 254 Pac. 1035; *State* v. *City of Independence*, 123 Kan. 766, 256 Pac. 799.

[6] *State* v. *City of Hiawatha*, 272 Pac. 113.

[7] See *supra*, note 1.

[8] See *supra*, 2.

As the courts of each state may define the scope of the power of its local governmental divisions under the state constitution and the accepted public policy in so far as the extent of the power does not transcend the limits set by the Federal Constitution, the validity of a statute authorizing a city to engage in the business of operating a moving picture theater as incidental to the maintenance of a municipal auditorium, or any other commercial venture, would, of course, have to be determined by the courts of the particular state. That the Supreme Court of Kansas would consider such a statute invalid under the laws of that state is manifest from their utterance in the case under consideration.

In Ohio, in a decision noted and considered by the Kansas court, a city undertook by ordinance to appropriate public funds for a municipal moving picture theater and, the right to do so being challenged, the court concluded that it could not be done as the city would be engaging in a business for profit which was not a legitimate function of municipal government under the general laws of that state.[2]

On the other hand, in contrast to these decisions, it may be noted that in Nebraska the sale of gasoline and oil by a city has been found a proper function of local government and the power of the city of Lincoln to engage in this business was upheld under the provisions of its home rule charter.[3]

◆

Powers—Subordination to Federal Laws—Effect of Ordinance upon Maritime Immunity.—The U. S. Circuit Court of Appeal, Second Circuit, recently affirmed the decree of the District Court of the Eastern District of New York in holding that the absence of an express contractual stipulation the owner of a vessel upon its abandonment is not liable for the expense incurred in removing its hulk from navigable waters over the lands belonging to New York City (*Petition of Highlands Navigation Corporation*, 29 Fed. (2d) 37). The petitioner was the owner of the Nassau and the Grand Republic, which were burned and sunk in 1924 while lying at the city pier at the foot of 155th Street. The petition was filed for a limitation of liability under the general maritime law, recognized by the Rivers and Harbors Act of 1889 (U. S. Code, title 33, secs. 409, 414, 415), which relieves the owner of sunken vessels from liability after notice as presented to the secretary of war. The steamers were passenger excursion boats laid up for the winter under a rental contract with the city. An ordinance of the city provided:

> In case . . . a vessel shall be stranded, sunken or wrecked and be abandoned for 10 days, the commissioner shall notify the owner of such abandoned property or vessel, if known to him, to remove the same forthwith, and if the owner be not known to the commissioner, or is not within the city, or shall fail to comply with the notice, the commissioner shall cause such obstruction or vessel to be removed, and the expense of such removal shall be recoverable by action from the owner and shall be a lien on the property or vessel so removed until paid. If such property or vessel be not claimed within 30 days after the removal, the commissioner shall advertise the same for sale, at public auction, to the highest bidder in the City Record for six days. . . .

The court held upon authority of numerous precedents that the federal law must prevail over the provisions of the ordinance and that the city could not recover the expense of removing the hulks, in the absence of a contractual obligation assumed by the owner.

All powers of municipalities are necessarily limited by the federal Constitution, the laws and treaties made thereunder, as well as by the constitution and general laws of the state. This principle has been applied to the extension of municipal liability in cases of maritime torts (*Workman* v. *New York City*, 179 U. S. 552).

◆

Contracts—Surrender of Governmental Powers—Requirement of Competitive Bidding.—In *Gulf Bitulithic Co.* v. *Nueces County*, 11 S. W. (2d) 307, the Texas Commission of Appeals reversed the decision of the Court of Civil Appeals, 297 S. W. 747, which in an action for damages for the breach of a contract entered into by the plaintiff to supervise the construction of a county highway system involving the expenditure of some two million dollars, for six per cent of the cost, had declared the contract void as amounting to a surrender of the county's governmental duty and against public policy. In a lengthy opinion the court sets out in full the terms of the contract which expressly provided that the plaintiff's services should be subject "to the supervision, direction and instructions of the commissioners' court of said county." This provision was considered a complete answer to the claim that by the contract the commissioners' court had in effect surrendered its governmental powers.

---

[1] 272 Pac. at page 114.

[2] *State* v. *Lynch*, 88 Ohio St. 71, 102 N. E. 670, 48 L. R. A. (N. S.) 720, Ann. Cas. 1914 D, 949 (1913).

[3] *Standard Oil Co.* v. *Lincoln* (*Neb.*), 207 N. W. 172; *Mitchell Oil Co.* v. *Vehring*, 11 Fed. (2d) 887.

As a further objection to the validity of the contract it was urged that it violated the statutory requirement of competitive bidding. The court points out that such a statute does not contemplate the inclusion of contracts for personal services involving special skill and experience. By the terms of the contract all labor, material, machinery, etc., were to be "paid for by the county under such terms and conditions as it may authorize and direct." This clause doubtless on its face might imply the intention to follow the provisions of the statute as to all purchases, but the opinion is silent as to whether this was the result in practice. If not, the lower court may well have been correct in concluding that the delegation of the supervision over so large a public improvement was contrary to public policy and in effect a surrender of the powers committed by law to the county commissioners.

Under the Texas statutes, a county may choose whether to construct highways by contract or otherwise. In order to receive state aid the state highway commission requires that the construction shall be done by contract. It was largely due to the fact that the state authorities had offered to contribute only $200,000 to the enterprise that the county decided it could save money by declining to accept the coöperation of the state, as its experience with the supervision of the state commission had led to the conclusion that the results did not justify the additional expense thereby incurred. The roads that had been built by the defendant were the only ones that had stood up under the severe test of the hurricane of 1919. The motive of the county commissioners in taking away the contract after the work was commenced seems to have been the tardy inducement of the state commission to contribute $600,000, if the county would reject the plaintiff's service and let a contract for the completion of the work. The equities of the plaintiff's case were so strong that we must conclude that the decision is correct. As to the validity of the contract, however, we doubt that the court would have taken the same position, if the question had arisen by a taxpayer's suit to enjoin its enforcement before the plaintiff had begun performance.

*

Nuisances—Control Over Location of Hospitals—Limitations upon Local Police Power.—The principle that the exercise of the local police power delegated to a municipality is always subject to the general laws of the state, is illustrated in the decision of the Supreme Court of South Carolina in *Law* v. *Spartansburg* (146 S. E. 12), decided in December, 1928. By an act of the general assembly, the county board was required to erect a tubercular hospital upon a site to be selected by the trustees of the Spartansburg General Hospital. The trustees selected a site containing some five acres adjoining the hospital grounds, which already included some twenty-two acres, all within the limits of the city. The city council passed an ordinance prohibiting the erection or operation within the city of any hospital or sanitarium for the care or treatment of tubercular patients, making the violation thereof a misdemeanor punishable by fine or imprisonment. Law and others, as members of the county board, filed a petition asking for an injunction against the enforcement of or the attempt to enforce the ordinance.

In decreeing a permanent injunction against the city, the court takes occasion to point out that the powers of local government delegated to a municipality are always limited by the constitution and general laws of the state as they are in force at the time the municipality attempts to exercise them and that all ordinances valid at the time of their enactment are subject to implied repeal or qualification by subsequent statutes. Nor may the municipality in the exercise of the local police power declare that a nuisance *per se* which is authorized by the common law or by the state. While the state legislature within a wide range may determine the scope of the police power (*Sawyer* v. *Davis*, 136 Mass. 239), no municipality through its ordinance-making power may expand or limit its scope (*Chevy Chase Sanitarium* v. *District of Columbia*, 46 App. D. C. 558).

Similarly a valid ordinance may be impliedly repealed by a subsequent statute in which the state legislature assumes to supplant the local regulation by a general law covering the entire matter. In *Chicago* v. *Jensen*, 162 N. E. 115, recently decided by the Supreme Court of Illinois, a conviction of the defendant for operating a beauty parlor without obtaining a license as required by the city ordinance was reversed upon the ground that the subsequent statute providing for a state license and regulation (Cahill Stat. 1927, p. 164), including the examination, registration and qualifications of applicant, repealed whatever power over the subject matter was formerly vested in the municipalities. (See, also, *Wilkie* v. *Chicago*, 188 Ill. 444, 58 N. E. 1004.) In the absence of a subsequent express grant of power by the state, the municipality therefore could not thereafter regulate the business by ordinance. This is a fundamental principle of the delegation of governmental powers to municipalities which is often lost sight of by critics of the decisions of the courts passing upon the validity of local ordinances.

◆

Taxation—Federal Taxation of Income of Municipal Officers and Employees.—The U. S. Circuit Court of Appeals, Fifth Circuit, in *Howard* v. *Commissioner of Internal Revenue* (not yet reported), has recently held that the compensation of private attorneys employed to assist a municipality in litigation concerning public utilities is exempt from the federal income tax under the Revenue Act of 1921, upon the ground that such services were rendered directly to further the performance of governmental duties. This decision reverses that of the Board of Tax Appeals (10 U. S. Board of Tax Appeals, 61). The fees in question were received by the petitioner for services in four suits, the first in behalf of the city of Houston to compel certain railways to separate grade crossings and the others in defending the cities of Navasota and Victoria in actions by public service corporations to enjoin rates to be charged to consumers. The petitioner made no claim that he was an officer or employee of any of the cities, but contended that this income was paid him as an "instrumentality," "means" or "agency" of the state of Texas in the operation of the state government.

The decision of the circuit court of appeals seems to be directly contrary to that of the Supreme Court on *Metcalf* v. *Mitchell*, 269 U. S. 514, in which that court in an illuminating opinion by Justice Stone held that the fees named by Messrs. Metcalf and Eddy as consulting engineers for certain state agencies with reference to water supply and sewage disposal systems were taxable. As in the instant case, the engineers were independent contractors and the court based their liability to the income tax upon that ground and not upon the nature of the municipal function which their work concerned. (See Notes, NATIONAL MUNICIPAL REVIEW, Vol. XV, 366.) If the test of liability in these cases is to be based upon the distinction between local "governmental" and "proprietary" functions, a distinction which has little applicability except in determining municipal liability in tort, it would result in exempting the income of common carriers and possibly of contractors who might furnish services or materials for the fire department, the city jail or for any other governmental purpose. We may expect a reversal of this decision and the affirmance of the Board of Tax Appeals if the Supreme Court is called to pass upon the issues involved.

◆

De Facto Officers—Effect of Payment of Salary upon Right of the De Jure Officer to Recover from a Municipality.—The question of the relative right of a *de facto* and a *de jure* officer to the salary of the office has led to diverse decisions in the different states. Upon one phase of this question, namely the right of the *de jure* officer to recover from the city after it has in good faith paid the salary to the *de facto* officer, the courts are generally in accord in holding that in such a case the *de jure* officer cannot maintain an action for the recovery of his salary during the time he rendered no services to the city. Two recent cases exemplifying the application of this rule have been decided by the highest courts of Missouri (*State ex rel Gallagher* v. *Kansas City*, 7 S. W. (2d) 357, and *Kithcart* v. *Kansas City*, 8 S. W. (2d) 895), which now definitely align that state with the majority rule. The authority of the earlier Missouri cases supporting the rule had been considerably shaken by later decisions, so that in the Gallagher case the court took occasion to review the entire question and to put it at rest so far as that state is concerned. Both upon authority and upon the broad principle of public policy, the decision is to be commended.

Two other recent cases on this question may also be noted. In *Fitzpatrick* v. *Passaic*, 143 Atl. 728, the Court of Chancery of New Jersey reaffirms the earlier decisions in that state which hold that the right of an officer to compensation is based upon the rendition of services and may be enforced only by one who has continued to perform the duties of his office. In *Hittel* v. *Chicago*, 158 N. W. 804, the Supreme Court of

Illinois held that the element of good faith in the payment of a salary to a *de facto* officer was not essential to the defense of the city to an action by the *de jure* officer. The plaintiff's allegations that he was fraudulently kept out of office in violation of the civil service rules is met by the fact that the business of the city required performance and therefore the court concludes that the city was justified in paying the *de facto* incumbents. In a later case, *O'Connor* v. *Chicago*, 158 N. E. 804, the court reiterated the same rule, but permitted the plaintiff to recover from the city the salary of the office during the period it was not occupied by a *de facto* officer.

✻

Contracts—Capacity of Parties. Collateral Attack on Special Assessment Warrants.—In *Flinn* v. *Gillen*, 18 S. W. (2d) 923, the Supreme Court of Missouri, opinion by Lindsay, C., refused to permit a recovery by the assignee of a special assessment warrant on the ground that the contract under which the improvement was undertaken was void, having been entered into and performed by a foreign corporation not licensed to do business in the state of Missouri. The contract had been awarded to the construction company as the lowest responsible bidder and the defendant upon whose property the lien warrant had been issued had himself filed with the city clerk notice that he desired to pay the tax bill in five annual installments, upon which notice the plaintiff relied in his purchase thereof. The court set aside the plaintiff's contentions that the defendant was estopped either by his own conduct or by the action of the city authorities and held that the statutory lack of capacity of the contractor was in no wise affected by the determination of the city council in awarding the contract to it. The court's contention is that to give effectiveness to the contract in any way would be to annul the plain provisions of the statute. Upon this principle many courts hold that there can be no recovery in quasi contract for work done under contract awarded without compliance with the statutory requirements (*Zottman* v. *San Francisco*, 20 Cal. 96, 81 Am. Dec. 96). Under the peculiar facts of the instant case, the assignee could not of course acquire a greater right than the contractor had. But it seems an injustice to the assignee of the tax bill that he cannot avail himself of an estoppel against the property owner, upon whose acts of affirmance of the validity of the assessment he had relied. In those jurisdictions which do not give so drastic an effect to their statutes relative to the licensing of foreign corporations to do business within the state, the contract in the instant case might be held to be voidable only and estoppel against the property owner upheld.

PUBLIC UTILITIES

EDITED BY JOHN BAUER

Director, American Public Utilities Bureau

Proposed New York Investigation.—Active discontent with present regulation in New York has reached the point of an organized movement for a comprehensive public investigation of the existing system, for the purpose of reconstructing policies and methods. This movement has been headed by the *New York World*, which on January 21 came out with an almost full-page editorial under the heading of "Breakdown of the Public Service Commissions." It called attention to conditions when the present system was established in 1907, to the high expectations and to the disappointing results. Its principal charge is that the methods and procedure are too cumbersome, time-consuming, and costly. It pointed to the New York Telephone case as a striking illustration. The case has continued, in successive stages, since 1920. It is now before the Federal Court, and briefs have just been presented to the master, who will make an independent finding of facts, including valuation, in complete disregard of the findings of the commission at earlier stages. Whatever the decision, there will doubtless be an appeal by one side or the other, and two or three years more will be consumed before the case is decided by the Supreme Court of the United States. And that will not be the end. The same issues and facts will be re-litigated in the next effort at rate adjustment.

The *World* pointed out also that under the present system the public interest is not adequately represented. The commission sits practically as a court to receive testimony from litigants. The companies are always fully represented by counsel, and thoroughly outfitted with experts and facts from their standpoint; and the costs are included in the rates charged to the consumers. The opposition is represented by the consumers or municipalities, which have no regular legal status. The commission does practically nothing on its own part to make up a proper public record. Only in the case of the larger cities, can the public side be somewhat adequately presented. In the case of the smaller municipalities, the public side goes largely by default because of the inability to engage counsel and experts necessary for a complete public presentation of the facts and issues.

The *World* pointed out also the great changes that have taken place since the present system was instituted in 1907. Among these were the interstate power developments and the great extension of the holding companies. Present regulation makes no provision for these conditions. And the commission has done virtually nothing to conserve the public interest involved in these developments.

The proposal made by the *World* was that the state legislature now in session at Albany should provide for a comprehensive investigation of the present system of regulation; to show how it works, what its defects are, and what changes are necessary to meet present-day conditions satisfactorily from the public standpoint. It proposed a mixed commission, consisting of members of the assembly and the senate, and to include three notable ex-governors,—Hughes, Miller and Smith. This commission would make a thorough investigation and report to the legislature, with recommendation of changes in the law and its administration.

It should be noted that the objective emphasized by the *World* was the investigation of the *existing system*, for the purpose of modification to obviate existing difficulties and to meet present conditions. Its drive is directed, not against personnel or individuals of the commission, but against the system. The object is not muck-raking to obtain a political turn-over in the membership of the commission, but to find out what is really wrong, and to reconstruct regulation so as to make it a satisfactory instrument of public policy.

The movement thus started by the *World* has been taken up actively by various public organizations, and was received favorably by the legislative leaders. At this writing, it is too early to judge whether the movement will succeed this year, but it is certain to produce favorable results sooner or later. Among the organizations favoring such public investigation are the Public Committee on Power in New York State, the New York City Club, and the New York State

League of Women Voters. These groups have had an active interest in regulation and power developments, and they have publicly stated their dissatisfaction with present conditions. Their statements were directed particularly to Governor Roosevelt, who, it is hoped, will assume the leadership in the important movement.

*

Contract System Proposed in Massachusetts.—In Massachusetts, discontent with regulation has elicited constructive proposals from the department of public utilities to the legislature of the state.

The policy of definite regulation of security issues had been followed for many years, and the department of public utilities had generally fixed rates so as to cover all reasonable costs, including regular dividends upon the capital stock outstanding. This provided a definite rate base and an administrable system of rate-making. The situation, however, has been materially changed during recent years, since control of the companies has been passing from local owners to holding companies and financial interests outside of the state or the municipalities affected. With this change of control has come the demand for the same indefinite standards of rate-making as prevail elsewhere. In the now famous Worcester Electric Light case, this issue will be brought to the Supreme Court of the United States, to determine whether, under Massachusetts conditions, the long-existing, definite policy is to be discarded for the indefinite rule of "fair value," which cannot be administered without constant litigation and practical breakdown of regulation.

While the issue is still on the way to the Supreme Court, the department of public utilities has taken steps to meet the situation if finally an unfavorable decision should be made. Last year it recommended to the legislature a statute which would authorize the state to enter into contracts with the companies, on the basis of which their capital structure would be reconstituted, to include not only the capital stock outstanding, but also paid-in premiums and the part of the invested surplus to the extent that stockholders had not received on the average a return of 7 per cent on their investment, provided, however, that the capital should not exceed the fair value of the property or the amount that had been expended therefor less any outstanding indebtedness. Upon such a readjustment of capital, the companies would accept all future control by the state, but the rates allowed would provide for dividends upon the capital stock sufficient to maintain par value.

To bring pressure upon the companies to enter into the proposed contracts, the department recommended that the law providing that any municipality before it can proceed with public ownership and operation must first purchase the properties of the existing companies, shall not apply to cases of companies refusing to accept such contracts. There was doubt as to the constitutionality of the entire plan because of this apparently coercive measure. The legislature, by special resolution, requested the department to reinvestigate the entire subject and to report again this year. Following this resolution, the department held a number of hearings, and recommended again the same general plan. To meet the possible constitutional objection to the coercive feature of the plan, it suggested as an alternative the complete repeal of the statute requiring municipalities to purchase the properties of local companies before proceeding to engage in the business. Other minor modifications were considered. As a fundamental proposition, however, the plan is to fix through contract a definite rate base upon which all future rate adjustments can be predicated, without question as to rights and facts, and, therefore, without litigation.

The Massachusetts commission has thus a clear conception of what is needed for effective and financially sound regulation. It is hoped, of course, that its long-controlling policy will be sustained by the Supreme Court. But if not, it is already taking definite steps to establish and maintain a basis of rate-making that can be administered. In its report the department called attention to the extreme difficulties of regulation under the so-called federal rule of "fair value." It predicted that "if some method cannot be devised to avoid unreasonable litigation on the part of the companies, we think that sentiment will and should rapidly grow in favor of public ownership." Its recommendations thus involve explicit contracts which provide for regulation without litigation; and where such contracts cannot be obtained, to make public ownership readily attainable by the municipalities.

*

State Rate Investigation in New York.—On January 15 the public service commission of the state of New York started a series of hearings in Albany for the purpose of investigating the gas and electric rates throughout the state. The purpose is not only to determine whether, in general, rates are excessive or inadequate, but more particularly to find whether the rate schedules or structures are properly adjusted to present-day conditions.

There is a common feeling that electric rates in general are not only excessive, but that domestic rates are out of line with present costs and conditions of operation. Power rates have been adjusted extensively by the companies themselves, because these rates have been operative on competitive margins where other sources of supply have been available. They have been fixed, to a large extent, upon promotional and competitive considerations. They probably are sufficiently low already, and in some instances may even be less than justified, with proper consideration to cost of service. The chief criticism of present rate structures has been directed against the domestic rates. These were mostly fixed a generation ago, before the power uses had been extensively developed, and have not been subjected to competitive influences. In most cases, only slight reductions have been made, especially as to quantities consumed by the great majority of the domestic users.

The important point to which references have been made in this department, is the "spread" or "differential" between power rates and domestic rates. While, of course, power rates are properly fixed on a lower level, the question is—How wide the spread is properly made, and upon what basis it is to be determined. As to this question, there has been very little scientific investigation made by any commission, and practically no analyzed facts are available. It is this line of inquiry which, it is hoped, the New York commission will pursue energetically. There is opportunity for pioneer service in a badly neglected department of rate-making. The investigation should result in greater simplification and uniformity of schedules among the various companies, as well as in better relative rates between the different classes of consumers.

◆

Laudable Commission Appointments.—Two appointments, notable in the public interest, were made during January to the New York Transit Commission, which has jurisdiction of regulatory functions over transportation within the city of New York. During November last, Chairman John F. Gilchrist resigned for private business reasons. His period of service was marked by rare personal consideration for everybody who came in contact with the commission, as well as by zeal to bring about a practical solution of the New York City transit tangle. His retirement is a public loss. Fortunately, however, he has been replaced by an appointee of unusual significance, William F. Fullen, who probably has as complete knowledge of transit as any other person in the city.

Mr. Fullen was appointed twenty-two years ago as a clerk in the old Public Service Commission of the First District, which then had jurisdiction over all utilities within the city of New York. In 1923 he was made counsel of the Transit Commission. Because of his special knowledge and other fitting qualities, he was selected in 1924 as counsel of the new Board of Transportation, which was charged with the responsibility of planning for new rapid transit construction. In September, 1928, he resigned this position to go into private law practice. He was not left long, however, in private pursuit, and has now been called back to public service as chairman of the Transit Commission. The public significance lies not only in the selection of a man who thoroughly understands the work of the commission, but also in the promotion for merit to the highest position attainable.

After Chairman Fullen took office, there followed immediately the appointment of George H. Stover as counsel for the commission to succeed Clarence M. Lewis, who resigned some months ago to resume private practice. Mr. Stover's appointment, likewise, represents the recognition of merit and the principle of advancement because of ability and service. He has been assistant counsel of this commission and its predecessors since 1917, and has been connected with practically all the important activities with which the commission has been concerned for the past twelve years. He combines unusual ability, sincerity and public-mindedness. Both he and the public are to be congratulated.

The two appointments taken together illustrate excellently the standards that ought to be followed generally in the selection of commissioners and technical staff. We sincerely hope that they will serve as precedents, to be followed with increasing regularity. Such a practice would help greatly toward the goal of effective regulation.

MUNICIPAL ACTIVITIES ABROAD

EDITED BY W. E. MOSHER

Director, School of Citizenship and Public Affairs, Syracuse University

Commission Government in England and Ireland.—Arthur Collins, an English official and a recent visitor to the important cities of the United States, is running a series of articles on the local government in the United States and Canada in the London *Municipal Journal and Public Works Engineer.* These articles teem with discriminating and thought-provoking observations and may be highly commended to the attention of those interested in municipal government in this country who wish to see themselves as others see them. The author's favorable comments on the commission-manager form of government have aroused considerable interest among his readers and have prompted him to summarize the status of the commissioner form of government in England and Ireland. It appears that the large local council customarily found in these countries has been displaced in Dublin by three commissioners, in Cork by a single commissioner, and that the boards of guardians for the poor have temporarily been superseded by three commissioners in West Ham, Chester-le-Street and Bedwellty.

He cites Dublin as the first case where councilmanic and committee control have given way to three commissioners. Such concentration has met with the approval of the majority of all classes of citizens and, according to Mr. Collins' own observation, the commissioners are rendering excellent service to the city in most of the departments.

In Cork the commissioner is virtually a city manager although at present apparently serving under a special dispensation. A bill has, however, been introduced in the Irish Free State Parliament which bears the title "Cork City Management Bill." According to this measure a city manager will be appointed under statutory authority. The functions and duties to be assigned to him according to the provisions of the bill are practically identical with those performed by a city manager in the United States. It is anticipated that this measure will meet with the approval of the state legislature, in which case Cork will have the distinction of appointing the first bona fide city manager in the British Isles.

In his general discussion of the five cases cited above Mr. Collins raises the question as to whether the time may not have come when at least an option should be granted to local authorities for organizing the government along other lines than the standard scheme of governmental control by councils and committees. He advocates such an option with the provision that the voters might revert to some other form in case the concentrated executive control represented in the city manager or a similar authority proved not to be successful.

In case such a change were put into effect Mr. Collins lays special emphasis upon the importance of having the commissioners or the representatives of the people keep in constant touch with the opinion of their fellow citizens and draw continuously on the resources of the best citizens for advice and guidance.

Those interested in city manager government will be gratified to know that this experienced and thoroughly competent authority on local government administration found so much that was commendatory in the American experiment.

*

Public Responsibility for the Movies.—In view of the increasing significance of the movies in the culture and education of the people, governmental authorities in Germany are beginning to do more than merely protect the public from the possible evil influences of the films. Just as the state or city has supported theaters, concerts, museums and libraries in the name of the general welfare, so it seems that the time must soon come when there will not be a single city or commune in Prussia without its own collection of films under the control of a qualified official who is not alone an experienced educator but also a person with intimate acquaintance of the possibilities of modern films. A preliminary step has already been taken through the organization of a Film Union of German cities.

The Prussian minister for science, art, and practical culture has warmly recommended the advancement of educational and cultural films. The city of Berlin has set up a seminar for guidance in the use of picture films as a means of education. It has been urged by a prominent librarian that there be an archive for films under the control of the empire; and by another that various provinces of Prussia should establish archives for films to be available to the subdivisions of each province. It is further pointed out that it is incumbent upon the state to provide funds for the erection and maintenance of "film centers" in the various cities. These would be the source of supply for the given locality.

The writer of the article here reviewed continually lays stress upon the necessity of assigning to the city or the community complete control of its own department of films. In his judgment the state should subsidize its subdivisions for this purpose; it should stimulate the right sort of production; it should make scientific investigations into the technique and methods of making moving picture films an effective means of contributing to popular culture.—*Zeitschrift für Kommunalwirtschaft*, January 10, 1929.

✠

Public Control of Advertising.—The heavy payments required of Germany under the Dawes Plan have brought continuous pressure upon those in charge of public administration to discover new sources of revenue. According to the Municipal Councillor Morris of Magdeburg, the time has come when the municipalities can no longer afford to overlook the possibility of a public income from the control of display advertising. The most common method of handling such advertising in Germany is by means of large wooden cylinders located in conspicuous places about the streets and the open spaces. The author of the article here reviewed discusses the advantages and disadvantages of the two methods of handling advertising under public control which have been more or less widely used. The first method is to rent out the privilege to private firms. In such a case the rates for advertising are determined by the local council. The chief disadvantage under this scheme is that the private firm has proved to be lacking in initiative and courage to develop advertising in a systematic way either according to the demands of city planning or the needs of the industry. While this scheme has worked satisfactorily in a number of cities, generally speaking the opposite has been true; and the possibility of making control of advertising an increasingly important source of revenue has not been realized.

On the other hand, the system of direct municipal operation has failed to bring acceptable results because of the routine manner in which the business is handled. Apparently the cities have been unwilling, moreover, to make the necessary investments so far as equipment and personnel are concerned.

Experiences of this sort have prompted a number of cities to combine the two systems, that is to say, the city and an experienced private firm undertake the promotion of advertising as a joint affair or they organize an advertising corporation according to business principles. The results of such a combination have generally led to a marked increase in income for the community concerned and demonstrated that advertising may become a source of considerable income.

Whatever the method, it is important that the cities should maintain a measure of control over the schedule of costs to the public as well as a further control with reference to the location, appearance and maintenance of the columns on which the advertisements are displayed.—*Mitteilungen des Deutschen Städtetages*, No. 11, 1928.

✠

Smoke Control.—The Ministry of Health in England is advocating that a limitation should be set upon the space of time during which black smoke might be emitted from stacks of manufacturing plants. It is reported that the city of Halifax has had satisfactory experience with a by-law restricting the black smoke emission period to one and one-half minutes in thirty minutes. It is pointed out that the local manufacturers have been won over and now lend their hearty support to this restriction through the activities of the health authorities which make their approach on the basis of reason and coöperation.—*Municipal Journal and Public Works Engineer*, January 18, 1929.

✠

Electric Heating.—In order to reduce the cost of current which is said to be the chief obstacle to the general adoption of electricity for low temperature heating, a mechanical engineer has proposed the possibility of installing charging cylinders on each floor and, if necessary, with each radiator or panel for the purpose of storing current when the load factor is below the norm. In this way a heat reserve is stored up that may be drawn upon to maintain uniform temperature under all weather conditions. With the increase of load factor made possible by such accessory storage facilities there would, of course, be a reduction in the cost per unit.

If this proves to be feasible it will be in line with the national program for the utmost possible utilization of electricity among both industrial and domestic consumers.—*Municipal Journal and Public Works Engineer*, January 18, 1929.

*

Juvenile Employment.—An executive officer has been put in charge of the juvenile employment department in the progressive community of Willenden, England. The purpose of this officer is to reduce the unemployment which is due to the injudicious assignment of juveniles just entering the industrial world. Advantage is taken of any special education of the boys, and the effort is made to avoid blind alley occupations. The scheme has met with a large measure of success. In one year 3,044 young persons were satisfactorily placed out of a total of 3,670 registrations. Several thousand parents had recourse to the juvenile employment committee in the course of the year. The consequence of this policy has been to reduce materially the social waste and friction which is likely to result from faulty placement. It has further reduced to a minimum the amount of unemployment benefits payable to this class of young employees. The cost has been quite insignificant.—*Municipal Journal and Public Works Engineer*, January 18, 1929.

*

Superannuation of Local Officials.—In an address before Parliament, William Graham summarized the situation with regard to the superannuation of local government servants. Under permissive authority from Parliament six hundred local authorities have adopted a superannuation scheme since 1922. The number of employees covered in the local government service is fifty-three thousand. Something less than seventeen thousand are still not covered by superannuation provisions.

The members of the National Association of Local Government Officers are seeking to enlist the sympathy of members of Parliament so that an amendment may be introduced whereby the superannuation scheme will become compulsory on those authorities which have not already adopted the policy approved in the bill now in force. This proposal has met with considerable support on the part of those members of Parliament who have been approached.—*Local Government News*, January, 1929.

*

Diploma in Public Administration.—The plans for granting a diploma in Public Administration under the auspices of the Nalgo Correspondence Institute were referred to in an earlier issue of these notes. In the interim the appointment of tutors to be responsible for the guidance of those enrolling in the correspondence course has taken place. Three of them are lecturers at the London School of Economics, one at the University of Liverpool, one at the University-College Loughborough, one at the University-College of Cardiff, and one is the head of the Department of Economics and Commerce at the University-College of Southampton. These courses are not conceived in a cut-and-dried fashion as is the case with many correspondence courses. Great stress is laid upon broad preparation and on the development of independent ideas on a wide range of problems.—*Local Government Service*, January, 1929.

*

Public Health in England.—Two annual reports of the Ministry of Health have just been issued. The first deals with such matters as local government, the administration of the poor law, national health insurance, housing and town planning. The second is the annual report of the chief medical officer for the year 1927. In the latter it is reported that the birth rate was 16.6, the lowest on record; the number of deaths increased 30,805 over the previous year. Of these 36 per cent occurred among persons under fifty years of age. The chief causes of death were as follows: conditions of the heart and circulation, 201 per one thousand deaths; respiratory disease, 157; cancer, 111; diseases of the nervous system, 90; and all forms of tuberculosis, 74. These five conditions are responsible for 54 per cent of the deaths.—*Local Government News*, January, 1929.

GOVERNMENTAL RESEARCH ASSOCIATION NOTES

EDITED BY RUSSELL FORBES

Secretary

Recent Reports of Research Agencies.—The following reports have been received at the central library of the Association since January 1, 1929:

Buffalo Municipal Research Bureau:
  The Division of Water. A Survey of the Division of Water of the Department of Public Works.
Des Moines Bureau of Municipal Research:
  Des Moines School Report, 1916–1927.
Bureau of Governmental Research, Kansas City, Kansas City Chamber of Commerce:
  The Proposed City Pension System.
Ohio Chamber of Commerce, Research Department:
  The School and Local Government Problem of Ohio.
Municipal Research Commission, Syracuse:
  The Selection of Patrolmen in Syracuse, New York.

*

Eighteenth Annual Meeting.—The executive committee has voted to accept the invitation tendered by nine civic agencies of Chicago to hold our next convention in that city. The 1929 convention will be held in Chicago on November 12, 13 and 14. Plans and tentative program will be announced later.

*

California Taxpayers' Association.—A study of a proposed street improvement in the City of Pasadena, known as the Holly Street Improvement, is being made. An investigation by the research department shows that the improvement was not well planned and that no careful study of the following items was made: Traffic, zoning, city plan, methods of finance, character of physical improvements, stage or sequence which proposed project bears to other improvements, and benefits. The Association is now engaged in making a study which will reveal this essential information. This project was proposed without any workable plan of finance back of it. Within the next month we hope to have a report on the project published.

A road cost accounting system has been worked out for Solano County. This is a suggested system for keeping costs for roads and bridges. In addition to complying with the law on road costs this system of accounting ties in with the new county budget law so that the auditor and the supervisors will have the necessary information now required yearly in making the budget.

Several bills sponsored by the Association have been introduced in this session of the legislature. Among the more important are: *Assembly Bill No. 459*, which will provide for a county unit system of school administration; *Assembly Bill No. 577*, which will legalize photographic recording of deeds and public documents in California; and *Assembly Bill No. 422*, which establishes a debt burden limit of 50 per cent of the actual value of a piece of property in assessment districts.

*

Taxpayers' Research League of Delaware.—For its work in coöperation with Governor Buck and other state officials in drafting reports and legislative bills for the new administration and for the present session of the legislature, the League has retained the services of several consultants and temporary staff workers, including Herbert Wilson, of the Institute for Government Research; Russell Forbes, secretary of the National Municipal League and director of the Municipal Administration Service; Dr. Carl E. McCombs, of the National Institute of Public Administration; M. M. Daugherty, economist, of the University of Delaware; J. Ernest Solway, a member of the Delaware Bar; and Edward L. Kenly, an accountant of Wilmington.

The League has held a series of Saturday luncheon-conferences, usually lasting most of the afternoon, between members of the staff, the executive committee of the League, and various state officials, at which the reports of the League have been considered and agreement reached concerning action.

Adopting the League's recommendations, the state sinking-fund commissioners have entered upon a program of bond-redemption which contemplates the early retirement of $7,325,000 of highway bonds, reducing the state's outstanding indebtedness to $5,041,785, with an annual saving to the highway fund for debt service of over $500,000, which, with the present resources of the highway fund, is expected to enable the highway department to conduct its future program for the construction of permanent roads on a pay-as-you-go basis.

As a result of the League's analysis of the estimated revenues of the school fund for the next two years, the state board of education withdrew the budget which it had submitted to the legislature and offered a budget 16 per cent greater for the more adequate operation of the state school system.

For a great many years it has been the practice in Delaware to pay mileage to the members of the legislature in addition to "compensation" provided in the constitution. In its investigation of the "Claims Bill" subsequent to the legislature of 1927, the Taxpayers' Research League raised for the first time the question whether "compensation" included more than merely salary, and whether constitutionally the members of the legislature could appropriate to themselves an additional sum as mileage. Governor Robinson, on the strength of the League's report of its investigation of the "Claims Bill," vetoed the mileage items, but his veto was based not on the question of the constitutionality of mileage, but rather on the fact pointed out in the League's report that the mileage claim also included unconstitutional salary, being in excess of payment for 60 legislative days. The present legislature passed a bill appropriating mileage to the members of the last legislature without including the unconstitutional allowance for extra salary. This bill was promptly vetoed by Governor Buck on the strength of an opinion from Attorney General Satterthwaite sustaining the League's contention that the "compensation" for members of the legislature precludes additional allowances for mileage, and that hereafter no legislative mileage may lawfully be paid without amendment to the constitution.

*

Citizen's Research Institute of Canada.—The survey of the Galt General Hospital has been completed and a report prepared and presented to the hospital board.

A report has also been issued dealing with the *Legal Debt Limits for Municipalities.* This report was widely reproduced in the financial, weekly and daily press.

The director will address the Canadian Club and the Women's Canadian Club of Edmonton on *Basic Principles of Municipal Government* on February 14, 1929. The Advertising Club of Montreal was addressed on January 16 on a similar topic.

*

Erie County Taxpayers' Association.—As a result of a civic study of the general subject of municipal research begun in 1927, the Erie County Taxpayers' Association with a budget of $20,000 and a staff to conduct research projects was finally secured.

In January, 1929, John S. Rae, a staff member of the Detroit Bureau of Governmental Research, was employed as director of the Association.

It is planned to conduct a general survey during February and March. A special study is to be made of several proposed bond issues pertaining to capital improvements in the city of Erie.

*

Griffenhagen and Associates, Ltd., Chicago.—The comprehensive study by Griffenhagen and Associates, Ltd., of the entire administrative structure of the state government of Ohio, on which a considerable staff has been engaged for over a year, has recently been brought to a close with the publication of the report of the Joint Legislative Committee on Economy in Public Service for whose purposes the study was made. A legislative program based on the recommendations of this report is now being pressed in both houses of the legislature. The senate has a special committee on reorganization which is studying the bills presented.

The two-year program of installation of modern and effective systems of accounting and financial control for the State of Connecticut is approaching completion. The staff of Griffenhagen and Associates, Ltd., engaged upon the work, not only designed the broad outlines of a plan to meet every need for financial information and financial control, but actually placed the plan in operation and has stood by to attend to every adjustment that the plan in operation might need.

The City of Duluth is giving attention to improvements in its civil service administration in pursuance of the recommendations made by

Griffenhagen and Associates, Ltd., as a result of a comprehensive study of the needs of all departments and activities. Other recommendations resulting from this study have already been placed in effect, and still others are under consideration.

*

The Kansas City Public Service Institute.—A survey of the Kansas City police department was begun on February first. This survey is being undertaken for the Chamber of Commerce of Kansas City, which has asked the Institute to make preliminary studies and secure information on all phases of the operation of the police department. As soon as this is well along, Chief August Vollmer, Berkeley, California, is to come to Kansas City to assist in the final preparation of recommendations and consult with police officials.

The Institute is revising its first draft of the permanent registration bill which has been introduced in the legislature. Before the bill can pass, it is necessary to make a considerable revision to meet local conditions and objections.

Other matters before the legislature in which the Institute is interested are police and fire pensions, police home rule, excess condemnation, and possibly county government reorganization.

*

Citizens' Bureau of Milwaukee.—For the first time in the fifteen years of its existence, the Citizens' Bureau has served as a special investigation staff to the Governor. Upon being elected governor, Walter J. Kohler, Wisconsin manufacturer, obtained the use of the staff for the six weeks prior to the delivery of his inaugural message. A report on the executive budget was submitted and has been incorporated in *Senate Bill No. 1.* Recommendations on the reorganization of the state highway commission furnished the material for that part of the message, and has been used in the drafting of *Senate Bill No. 2.* A number of charts contrasting the administrative organization of Wisconsin's seventy odd boards and commissions, with administrative consolidations in other states were submitted.

Harold L. Henderson is now on a six months' leave of absence in order to act as special investigator under the direction of the Governor.

The New Bedford Taxpayers' Association.—A study of the probable cost of the retirement system for city employees, proposed for New Bedford, has just been completed.

The proposed bill includes retirement for superannuation, ordinary disability, accidental disability and accidental death benefits, the payments to be made in the form of annuities purchased in part by contributions from the employee and in part by contributions from the taxpayer. The proposed bill is similar to that in effect at the present time in Boston. The study shows that the probable cost to New Bedford of such a system would be in the neighborhood of about $100,000 a year, which is very much more than the friends of the bill have been willing to admit.

The Association has succeeded in persuading the school committee to give their budget in much greater detail so as to show the proposed cost of every feature of the educational program. Heretofore, it has been presented as a lump sum budget and the people in general have been suspicious that it contained many hidden items.

*

Philadelphia Bureau of Municipal Research.—A city contract committee, organized by the mayor last September to investigate the system of contracting in Philadelphia for public works and for supplies and to recommend improvements, submitted its report during January. Philip A. Beatty, who is engaged in the study of municipal contracts which the Bureau is making as agent of the Thomas Skelton Harrison Foundation, was in close contact with the preparation of the report. Since its publication he has been actively participating in the work of putting into effect the improvements recommended. At the request of the directors of public works and of transit he sat in with the committee organized by the mayor to effect the changes in construction-contract methods. The mayor also invited Mr. Beatty to be present at a meeting of a second committee formed for the reorganization of the department of supplies. He was made secretary of this committee. Meanwhile he is also coöperating with the city solicitor's office in the preparation of needed legislation.

The drafting of a bill to give the option of proportional-representation, council-manager form of government for Philadelphia, upon which members of the Bureau's staff have been engaged in coöperation with the Proportional Representation League, has been completed and the bill has been introduced in the present session of the state legislature.

At the request of the Committee of Seventy, Mr. Galloway drafted a bill to provide for the permanent registration of voters in Pennsylvania cities of the first and second classes. Philadelphia is the only first-class city in Pennsylvania and Pittsburgh and Scranton are the only second-class cities. This bill has been introduced in the state legislature.

Mr. Galloway also prepared, at the request of the Committee of Seventy, a general voting-machine enabling act which is now before the legislature. This bill, if enacted, will carry out amendments 6 and 13 of the state constitution approved by the voters last November.

A bill which was drafted by Mr. Galloway, at the request of the Committee of Seventy, to abolish the December assessment of voters in Pennsylvania is about to be introduced in the legislature.

*

The Bureau of Civic Affairs, Toledo Chamber of Commerce.—Several recommendations were made as a result of studies made during January. Most of these were state matters. The Bureau urged the enactment of a driver's license bill which is now pending before the legislature. Studies in other states where such a law was in effect showed a considerable reduction in accidents and fatalities. To accompany this measure for the purpose of obtaining adequate enforcement, a state rural police bill was endorsed. Traffic regulations without provisions for enforcement may be worse than useless.

A Baumes law for Ohio, introduced into the legislature by a Toledo representative, was also given the approval of the Bureau and the board of trustees. It differs from some habitual criminal acts in several important respects. In the first place it operates only in the case of specified serious felonies (not including prohibition violations). When a person is convicted for the third violation of these designated crimes, he is automatically sentenced for the maximum penalty and upon four convictions he gets life imprisonment.

The board of trustees ratified the action of the City and County Plan Committee of the Bureau in approving the proposed ordinance now pending in council to create set-back lines on all major streets in the city as proposed by the *Major Street Plan of 1924* as drawn up by the Harland Bartholemew firm. If the city council adopts this ordinance, it will be the biggest local advance in city planning since 1923, when the zoning ordinance was adopted.

*

Toledo Commission of Publicity and Efficiency.—During January the Commission published an article on comparative tax rates for the six largest cities in Ohio showing that in comparison with last year, when Toledo had both the highest actual rate, $26, and adjusted rate, $20.80, the actual rate for the present year is second highest, being exceeded only by Akron, and the adjusted rate is still the highest in Ohio, Toledo's actual and adjusted rate being exactly the same in both years.

Articles were published also on the status of municipal research in Toledo, municipal radio stations, and their propriety as a municipal function, and also a criticism and analysis of a private toll bridge proposed to cross the lower Maumee just outside the city.

The Commission has decided to investigate the conditions with regard to smoke inspection in Toledo with a view to more adequate equipment for the smoke inspector.

The secretary has been instructed to start work on planning a long-term financial program for Toledo.

*

Toronto Bureau of Municipal Research.—A report dealing with civic issues in the recent municipal campaign was issued prior to the election.

The publication of the report dealing with the *Personnel of Toronto's Civic Government for 1929* has been temporarily held up owing to the disqualification of a controller, necessitating a by-election.

A report dealing with the operation of Toronto Transportation Commission, hydro-electric, harbor and radials over a term of years is in course of preparation.

A bulletin dealing with a proposal to budget capital expenditures for a period of five or ten years in advance has been issued.

An open letter dealing with the appointment and promotion in civic departments was sent to the mayor and all members of the city council.

NOTES AND EVENTS

EDITED BY H. W. DODDS

Philadelphia Striving for a C. M.—P. R. Charter.—City manager government with proportional representation is today a serious possibility for Philadelphia. A bill to allow the voters of the city to pass on the question has been introduced in the Pennsylvania legislature by Senator Samuel W. Salus, former president *pro tempore* of the senate and militant leader of the Vare machine. It is conceded a chance of passage.

This astonishing development, which proved quite as bewildering to the Philadelphia public when it was first proclaimed in front-page headlines on the morning of February 5 as it may to the readers of the NATIONAL MUNICIPAL REVIEW, is a result of the demand for fundamental reform created by Judge E. O. Lewis's and District Attorney Monaghan's exposures of police corruption, a scramble for control of the Republican organization brought on by Mr. Vare's ill health, and some astute generalship on the part of Thomas Raeburn White, chairman of the Philadelphia Committee of Seventy which led the successful movement for a single-chamber council and the present charter ten years ago.

The demand for reform first forced Mayor Mackey to replace his director of public safety by Mr. Monaghan's first assistant in the police probe, Lemuel B. Schofield, and then swept on into the channel of charter revision opened for it by a timely suggestion from Mr. White. It also aided Albert M. Greenfield (of real estate fame) in his efforts to replace Mr. Vare as Republican leader of the city, and finally forced the Vare forces themselves to espouse the manager plan in self-defense. Thereupon Mr. Greenfield referred casually to the bill as a meritorious measure, and his ally, former Mayor Kendrick, issued a strong statement in its behalf, emphasizing proportional representation as a vital feature. Almost anything may happen in the present seething ferment of Philadelphia politics, but at this writing it looks as if what seemed at first a forlorn independent hope would encounter little opposition. State leaders have announced their adherence to the principle of "home rule," meaning thereby the policy of giving the local members what they want in local measures.

The manager bill was prepared by the Philadelphia Bureau of Municipal Research and the Proportional Representation League, under the supervision of a drafting committee of leading business men and other prominent citizens called together by Mr. White. The committee decided on its main features after an evening spent with Professor A. R. Hatton. It is being actively supported by a well-financed City Charter Committee, with Walter J. Millard as principal speaker, and an executive committee and advisory council including four college presidents, Judge Lewis, Roland S. Morris, George W. Norris, governor of the Federal Reserve Bank, and some hundred other outstanding citizens. Among the permanent organizations which have endorsed the bill are the Committee of Seventy and the Philadelphia county branches of the Republican Women of Pennsylvania and the Pennsylvania Council of Republican Women. The *Evening Bulletin*, the *Public Ledger*, and the *Record* are supporting the bill editorially, and the *Inquirer*, the *Public Ledger*, and the *Evening Bulletin* have carried series of articles on the success of the plan in Cincinnati and other cities. The one Democratic paper, the *Record*, has printed three editorials supporting the Charter Committee in its insistence on proportional representation as an essential part of the plan.

If the bill is passed as introduced and subsequently approved by the Philadelphia voters, it will make the following major changes in the city's governmental structure:

1. The city administration, except that part of it which is also part of the county administration and not under the mayor at the present time, will be placed under the control of a city manager appointed by council for an indefinite term and removable by council after a public hearing. Most of the manager provisions are patterned after those of the Model City Charter of the National Municipal League.

2. The elective mayoralty will be abolished and the title, ceremonial duties, and certain appointive powers of the mayor will be given to the president of council. The mayor will appoint the zoning commission, the city planning commission, and the art jury.

3. The Council will be elected from the city at large on a nonpartisan ballot by proportional representation. As many candidates will be

elected as can poll a fixed quota of 25,000 votes. On the basis of recent municipal elections this will probably mean a slight reduction in the size of council, which now has 22 members. Each candidate will be nominated either by petition of 5,000 registered voters who have signed no other petition or by petition of ten such voters and a deposit of $250 to be returned in case the candidate polls as many as 5,000 votes.

4. The receiver of taxes will be taken off the ballot and put under the manager.

5. The form of civil service commission recommended in the Model City Charter will be used for the first time. The present commission of three members appointed by council will be replaced by a commission with a director of civil service appointed by the manager as its president, an associate commissioner appointed by the council, and a second associate elected by the city employees in the classified service. The actual administration of the civil service will be under the director and his appointees.

The plan cannot go into effect before the next regular council election in the fall of 1931. A vote on its adoption may be called at any primary, general, or municipal election by ordinance or by popular petition. Once adopted, a vote on its repeal may be called in the same way, but only after a trial of four years and two elections of the council.

Three other bills, to make the manager plan and proportional representation optional for other cities and boroughs in the state, are also before the legislature. Similar bills, sponsored by D. Glenn Moore of Washington, Pa., were passed by the House at its last session, with the support of the Allied Boards of Trade of Allegheny County, the Municipal Affairs Committee of the Pittsburgh Chamber of Commerce, the Borough Council of Rose Valley, the Proportional Representation League, and various prominent individuals. This year they will also have the support of the State Federation of Labor.

George H. Hallett, Jr.

⁂

Building Activity to Continue on Large Scale in 1929.—*The Architectural Forum* and its companion publications of the National Building Group have just completed what is perhaps the most detailed and exhaustive survey of potential building activity ever made in this country. If the deductions which have been drawn from a great array of dependable facts and figures are correct, it is quite probable that the year 1929 may prove to be the greatest of building construction years.

According to C. Stanley Taylor, director of research of the National Building Publications, new elements have crystallized in the building industry—factors which must change the methods of anticipatory measurement. For instance, the financing of building projects has been placed upon a much better basis of public relationship. There are not only tremendous underwritings of individual building projects being carried out by bankers in our various cities, but building operators have established securities of an investment nature which are even traded in on the stock exchanges of the country. We find the year 1928 showing in the New York real estate market an actual securities exchange where real estate and building issues are actively traded, making a liquid market for such securities which for many years have carried the aspect of frozen or torpid investments. We find a tremendous number of municipal and state bond issues or other business of public financing being established for the carrying out of school, hospital and public building programs and for the development of airports, which in themselves promise to contribute mightily to the building volume of this country. There may be found in evidence also the consummation of a number of vast development projects and improvements which are opening up tremendous territories for active building construction. The subdivision builders of the residential field are undertaking housing projects almost beyond imagination in their scope. There is under way the most extensive modernizing and remodeling program ever known in the history of this country. This program is being deliberately developed by extensive educational work through building material manufacturers who realize the tremendous size of the potential markets created. Mortgage money, while handled in a manner more intelligent than formerly, is more plentiful than ever before, and so many new methods and sources of financing for the building field have been established that no constructive program has to seek very far for its banking facilities.

Coupled with all these factors we have an increasing urge toward building construction by the public whose pocketbook was never so fat.

⁂

Philadelphia Civil Service Commission Faces Loss of Trial Board Powers.—The Philadelphia director of public safety and the municipal civil service commission have been battling each other over their respective powers of disciplining policemen in the city's service. The outcome may be a legislative act trimming severely the authority of the commission over the police and fire personnel. Under the present law the director of public safety cannot suspend a policeman or a fireman for more than thirty days or dismiss him from the service until after charges have been preferred and heard by the civil service commission and the commission has directed him as to the punishment he may impose.

The investigation of the crime situation which began last August revealed such sorry conditions in the police department that the mayor's original choice as director of public safety was compelled to resign, and many members of the police force were suspected by the department of public safety. In the cases of three inspectors and nineteen captains the commission sustained the department's charges. In the cases of two sergeants and three or four patrolmen the commission either failed to sustain or dismissed the charges.

The new director of public safety, Lemuel B. Schofield, was much displeased with the failure of the commission to sustain his department in all its charges and soon after he entered office threatened that he would take such disciplinary measures as he deemed proper irrespective of the action of the commission. Shortly afterwards he made good his threat by fining several officers 300 days' pay whom the commission had fined but from ten to fifteen days' pay. This action, however, is in violation of law, and new legislation will be necessary to give the director the freedom he desires. Public sentiment appears to be against the commission, and a measure has been introduced into the legislature to give the director the same power over dismissals that other department heads enjoy with respect to the classified service. This virtually means that the policy of a wide-open door will prevail. The bill has the backing of the Pennsylvania Civil Service Association.

*

Reforms in Criminal Procedure before New York Legislature.—Senator Caleb H. Baumes, author of New York's famous Baumes Law, has introduced into the state legislature a group of bills which, if adopted, will bring the state into line with many of the recommendations of the various recent crime surveys. The two of most general interest provide for the waiver of trial by jury except in first-degree murder cases, if the defendant so elects, and authorize the district attorney to comment upon the failure of a defendant to take the witness stand. A third measure, which has already passed one legislature, amends the state constitution to permit the legislature to set up district criminal courts in place of special sessions courts or justices of the peace. The legislature could thus group several rural towns into one district to be presided over by a legally trained justice rather than by untutored justices of the peace. Under another measure judges will be permitted to comment on evidence and on the testimony and character of witnesses. The above measures are all receiving the support of advocates or reform in criminal practice. The one directed to the improvement of the administration of rural justice is particularly significant, since it draws attention to a situation which is as yet imperfectly understood throughout the United States.

*

A Year Book of Social Work.—Social work is one more field whose progress is recorded in a year book, to be issued by the Russell Sage Foundation under the editorship of Fred S. Hall of its staff. That there is demand for information each year about social work is shown by the space given to it in the three comprehensive annuals now issued—the American Year Book, the New International Year Book and the Americana Annual. Taken together they print articles on thirty-two different national organizations in the field of social work, and additional articles on forty-two topics in that field. The new year book, besides including such organizations and topics, and giving them a more uniformly adequate treatment from the standpoint of social work, will cover also many fields of activity which do not appear in these general annuals at all.

The Russell Sage Foundation will welcome suggestions from any who have had difficulty in obtaining needed current information concerning their own or allied fields of work.

*

Wisconsin Governor Believes in Research.—Harold Henderson, director of the Citizens' Bureau of Milwaukee, has been given leave of absence to act as special assistant in charge of research to Governor Walter J. Kohler of Wisconsin. Governor Kohler is a business man who has never been in politics before. As soon as he was elected he appealed to the Milwaukee Bureau for assistance, and received the loan of the entire staff for the rest of the year 1928, but the more he learned of his new job the more he felt the need of additional research in problems of budget, administrative organization, and the like. To meet this need Mr. Henderson has been retained. Governor Kohler has proposed an executive budget system and looks with favor upon state administrative consolidation, such as has taken place in Nebraska, Ohio, Tennessee, New York, and other states. If Governor Kohler succeeds in his program, and there is every reason to believe that he will, his success will mark the passing of the Wisconsin idea in state administrative organization and budget procedure.

*

Cincinnati Conference on County Government.—Constitutional changes to give the legislature greater freedom in dealing with counties and reorganization of county government along modern lines were the keynotes of a conference on county government held in Cincinnati, on January 10, under the joint auspices of the League of Women Voters, the Woman's City Club and the Cincinnatus Association. The former was urged by Emmett L. Bennett and the latter by Raymond Atkinson. Mayor Seasongood deplored the fact that the City of Cincinnati could not control subdivisions beyond three miles outside her boundaries, while Clifford E. Brown, county commissioner, promised a regional planning commission in the spring and pledged the coöperation of the county in regulating subdivisions. Professor Charles E. Merriam discussed various schemes for regional government and suggested that the plan of special authorities for metropolitan services together with voluntary coöperation was the most promising for Cincinnati.

*

Ernest P. Goodrich and William B. Powell announce that they have associated themselves as consultants in traffic matters. Mr. Goodrich, who is well known to many readers of the Review, is at present in China as engineering adviser to the Nationalist Government. Mr. Powell is consulting traffic engineer for Buffalo and chairman of the Standards Committee on Signs, Signals and Markings. An article from his pen upon the recent report of this committee appears in this number of the Review.

*

New Appraisal Form for City Health Work.—The committee on administrative practice of the American Public Health Association has issued a third edition, revised, of its *Appraisal Form for City Health Work*. In commenting upon earlier editions and changes made in the present revision, the committee says:

> During the last three years, the Appraisal Form has been extensively used throughout this and other countries. It has served a useful purpose. Fears of its misuse for ulterior purposes have not been substantiated. Its value has been distinct, its assistance appreciated.
>
> For those familiar with the previous Form it may be stated that the latest revision represents somewhat extensive rewording and clarification, but with the main structure and form and subject matter substantially intact. The new Form is longer and contains three new sections —Cancer Control, Heart Disease Control, and Food and Milk Control—the last named section being formed by separating these items from the section on Sanitation. The method of scoring has been changed. The former plan assigned values for items which totaled 1,000 points, the section totals varying from 20 for Popular Health Instruction to 175 for Communicable Disease Control. In the new scoring each section totals 100 points and a weighted value or factor is applied to each section to adjust the total score to 1,000.

*

Scandal in Chicago Sanitary District.—A special grand jury reporting last month makes the startling revelation that the Chicago Sanitary District has been plundered by the politicians with a resultant deficit of $9,602,000 in the bond fund. Not satisfied with merely exposing the loss, the grand jury makes bold to recommend that the Sanitary District be merged with the city government and that its employees be brought under the provisions of the civil service law.

The maze of overlapping governments in Chicago has always perplexed the uninitiated. For years such agencies as the City Club and the Chicago Bureau of Efficiency have urged reorganization and consolidation. It is to be hoped that the graft revealed by the grand jury will spur public opinion towards a simplification of Chicago's local government. At the present it is too complicated for the voters to watch.

WORTH-WHILE BOOKS
ON
GOVERNMENT

Practice of Municipal Administration

***By* L. D. UPSON** **Price $4.00**

This book shows how municipal activities can be conducted on a high plane at a cost that taxpayers will tolerate. "To the student of the processes of municipal government and the professional municipal administrator, the book is a necessity." Some chapter headings are: Administration, Administrative Organization, Election, Safety, Education, Police, Courts, Engineering, Wastes, Control of Utilities.

Municipal Finance

***By* A. E. BUCK** **Price $4.00**

"This is the most comprehensive study of municipal finance yet published." . . . It is a study of best current practice based on surveys and first-hand investigations. Some chapter headings are: The Budget and Budget Making, Cost Accounting, Graphic Statistics in Municipal Finance, Purchasing, Assessment of Property for Taxation, Special Assessments, Debt Administration, Financing Municipally Owned Utilities.

The City Manager

***By* LEONARD D. WHITE** **Price $3.00**

A book for city managers, city councilmen, city department heads, men studying to be city managers, reference reading in university classes, and committees and clubs studying the merits of the city manager plan. Through an intensive study of the personality and method of the city managers of Cleveland, Cincinnati, Pasadena, Dayton, and Berkeley, and through his broad knowledge of the general subject of public administration, Mr. White is able to come to some conclusion about the type of administrative official necessary to the successful maintenance of this sort of government.

Proportional Representation

***By* C. G. HOAG and G. H. HALLETT** **Price $5.00**

This book shows proportional representation as a practical instrument of democracy while it also carefully evaluates other methods of voting in relation to the purposes in view. Some chapter headings are: Voting and Its Objects, Minority and Proportional Systems, Objections to Proportional Representation, P. R. with Single Transferable Vote at Work, Election Provisions for P. R., Constitutionality of P. R., Majority Preferential Voting.

Elements of Political Science Research

***By* AUSTIN F. MACDONALD** **Price $ .90**

This new practical handbook describes the chief sources of material in the field of political science. It explains the methods essential for conducting creative work. The author is Assistant Professor of Political Science, University of Pennsylvania, and this concise working manual is based upon the methods used by the students at that Institution for a number of years.

The Invisible Government

***By* WILLIAM BENNETT MUNRO** **Price $1.75**

Professor Munro points out that all governments, wheresoever they operate, are largely controlled by forces which operate beneath the surface, unseen by the eyes of men, and he gives a keen analysis of some of these invisible influences. He writes of — I. Fundamentalism in Politics, II. The Myth of Popular Sovereignty, III. The Law of the Pendulum, IV. Government by Propaganda, V. The Money Power, and VI. Our Strengthening Sectionalism.

These books may be obtained by mailing cash with order to:

NATIONAL MUNICIPAL LEAGUE
261 BROADWAY, NEW YORK

FIVE YEARS OF
CITY MANAGER GOVERNMENT
IN CLEVELAND

Report by

THE EXECUTIVE BOARD OF THE CITIZENS LEAGUE
OF CLEVELAND

MAYO FESLER, *Director*

Supplement to the
NATIONAL MUNICIPAL REVIEW
March, 1929 Vol. XVIII, No. 3

PUBLISHED BY
NATIONAL MUNICIPAL LEAGUE
261 Broadway, New York, N. Y.

This thoughtful analysis of the successes and failures of Cleveland's city manager government is reprinted, with permission, from *Greater Cleveland*, the bulletin of the Citizens League of Cleveland.

FIVE YEARS OF CITY MANAGER GOVERNMENT IN CLEVELAND

AN IMPARTIAL ESTIMATE OF CLEVELAND'S EXPERIENCE

Despite a weak and unrepresentative council, and many defects and errors on the administrative side, Cleveland has had, under the city manager form of government, a more efficient administration, and one which has taken a more comprehensive view of the city's problems, than in any five-year period in the city's history. :: :: ::

FIVE years have passed since Cleveland put into operation (January, 1924) the city manager form of government, which the electors had adopted in 1921. When the charter was presented to the voters for adoption, the advocates claimed, among other things, these advantages:

(a) It will establish a more unified organization, and a more centralized control and responsibility.

(b) It will place the decision as to policies in the hands of the elected representatives of the people; and the administration of those policies in the hands of trained and experienced administrators instead of inexperienced amateurs.

(c) It will introduce into the city government the element of business efficiency and tend to eliminate partisanship and political spoils.

(d) It will stabilize the administration and give continuity to administrative programs and policies.

These advantages were, of course, bottomed upon the election of honest, competent and broad-minded representatives who in turn would select able and experienced administrators to conduct public affairs. These advantages, coupled with the widespread dissatisfaction with the immediately preceding administrations, led the people to adopt the new plan of government.

Five years of experience under a new form of administration is a sufficient length of time to warrant some conclusions as to the effectiveness of the system, and the advantages which it affords over other forms of government. In this report the Executive Board of the League, from its intimate contact with the city government, will try to answer the many inquiries which come to the League asking for a frank estimate of Cleveland's experience under the city manager plan. The Board has sought to be entirely frank in its statements without glossing over any of the serious failures or defects which have developed during the five-year period.

THE PLAN OF ORGANIZATION

The city manager charter itself is brief and sets forth the plan of organization only in skeleton form, leaving the framework to be filled in by ordinance of council. When the administrative code was adopted by the council (1924), and the departments and divisions finally established, the new plan of organization appeared about as follows:

1. Department of Law:
   Civil and criminal divisions.
2. Department of Public Service:
   Division of streets and division of engineering and construction.
3. Department of Parks and Public Property:
   Divisions of parks, public recreation, public auditorium, street lighting, airport, markets, information, motor maintenance.
4. Department of Public Welfare:
   Divisions of health, employment, city hospital, city farm, boys' farm, girls' farm.

5. Department of Public Safety:
   Divisions of police, fire, and buildings.
6. Department of Finance:
   Divisions of accounts, treasury, assessments and licenses, purchases and supplies.
7. Department of Public Utilities:
   Divisions of light and power, and water and heat.

The charter provided for the election of the twenty-five council members, by the proportional representation method of voting, from four large districts into which the city was divided by the charter.

First district—west side—seven councilmen.
Second district—southeast—six councilmen.
Third district—down town—five councilmen.
Fourth district—east side—seven councilmen.

The first election of council members was held in November, 1923, preceding the taking effect of the charter on January 1, 1924. Better council committees were organized in three of the districts in the effort to induce well-known and highly respected citizens and business men to become candidates. These efforts were without success. However, 119 candidates filed their petitions and twenty-five of the number were elected. Eighteen members of the then existing council were reëlected, four independents chosen, and two of the new council were women.

Although the ballot was non-partisan there were enough active partisans elected to give the Republicans a good working majority; but not enough independents to maintain a healthy and effective minority. The Executive Board of the League expressed the opinion after the election that, while the council was of rather ordinary calibre, it was made up of a majority of honest men and women who sought to merit the good opinion of the community and to do the will of their constituents.

But when it came to organizing the council for actual work the party leaders exercised their usual influence, which was stronger than the normally independent desires of a majority of the members, so that the party leaders outside of the council dictated both the organization and leadership of the council. That meant the continuance of the same rules and committee arrangement as had existed for many years, under which the four or five council leaders, controlled by these outside political leaders, had practically complete control of legislation.

THE SAME PERSONNEL IN THE COUNCIL

Most of the same members have been reëlected in the two succeeding elections. The number of independents has gradually decreased. Only one woman, a "regular," remains in the council. The leadership and control has remained the same throughout the five-year period. The four or five leaders, like members of interlocking directorates, have kept themselves on all key committees to which were referred all important legislation. Proposed ordinances which they did not want enacted were buried in committees. Council members who showed too much independence had their ordinances delayed. Councilmen who attacked the leaders or the system on the floor had their legislation buried beyond recall.

In short, during the five-year period it has been legislation largely by covert intimidation rather than by independent representation. Only within the last six months have there been any substantial indications of a disposition on the part of the council members to break away from this domination and vote independently.

We do not mean to say that there has been no good legislation during these five years. There has been much of it.

Routine legislation such as street improvements, water extensions, park developments has gone forward unmolested. Appropriation ordinances have been largely left to the city manager for the simple reason that there have been no surpluses to distribute to favored causes. A few forward-looking steps have been taken in the form of progressive measures. But on the whole the general quality of the legislation has been low, largely because of this dominating leadership forced upon the council from the outside. At no time during the five-year period has the council shown an inclination to react favorably and promptly to outside suggestions for constructive legislation or for the improvement of its own procedure. It has been slow and reactionary on all such proposals.

INTERFERES WITH ADMINISTRATION

Most of the council members have not even shown a sympathy for the new city manager form of government which they were elected to put into operation. The charter clearly provides that the council shall confine itself to legislation and that neither as a body, nor as individual members, shall it interfere with administration. The salary of council members was fixed at $1,800 so that there would be no inducement for members to loiter about the city hall, run errands for their constituents, and meddle in administrative affairs. It was intended that they should confine their attention solely to public policies. Yet, from the day the new council went into office until the present time, a majority of them have assumed that they had certain property rights in city jobs, and that one of their major functions is to run errands for their constituents, and bring councilmanic influence to bear in obtaining special favors for their friends.

As illustrations of this wholly wrong view of their functions, one member is found appearing before the civil service commission which he helped appoint and whose pay roll he signs every two weeks, serving as attorney for dismissed policemen and firemen; another member before the commissioner of licenses asking for special favors for his clients, or before the director of law demanding that the city lay off its prosecution of fraud against a fruit and vegetable firm which was accused of padding its bills for supplies sold to the hospitals; another member writing letters to the Republican boss, asking for the appointment to city positions of certain friends, which request was forwarded to the clerk of council who acts as job broker for the council members; more than one member improving his practice in the police court where councilmanic influence is exerted to get petty offenders released; one member, an agent for builders' supplies, serving as chairman of the building code committee, until ousted, and chairman of the board of appeals which grants permits to builders and contractors; some members indefatigably busy running errands for "the boys" in their wards, getting them street-cleaning jobs and asking judges to give light sentences to misdemeanants; many members pleading with directors to favor their friends in the police and other departments; a few members constantly on the alert looking for favors for those of their own nationality. These illustrations could be lengthened into pages of actual cases of interference in administration in clear defiance of the charter and of every sense of propriety—and this in spite of the fact that each member took oath to observe the charter which provides (Section 34):

> Neither the council nor any of its committees or members shall dictate or attempt to dictate the appointment of any person to office. . . . The council and its members shall deal with the ad-

ministrative service solely through the city manager.

In fact a majority of the members of the council have devoted far more time to the political fence-building features of their councilmanic position than they have to actual legislative duties, which they were elected to perform. When they have been pressed by citizens to hold hearings and speed up needed legislation, which was unnecessarily delayed, they have made the specious complaint that a councilman is not paid enough to justify him in giving more time to legislative duties.

NEEDED LEGISLATION DELAYED

The net result of this mediocrity in personnel, this failure to recognize the legislative principles of the new charter, and the council's absolute refusal to gear up its procedure for effective legislative service, has been a woeful lack of much-needed legislation. This is partly shown by the many large and significant legislative tasks which have been pressing before the council for most of the entire five-year period, but which seem to be little nearer solution than they were five years ago. A few of them are:

(a) *Pension system.* A totally unsound police and fire pension system which is now costing the taxpayers more than a half million dollars a year and increasing at a rapid rate—admitted by all to be unfair to the taxpayers; yet no definite steps have been taken to adopt a sound plan.

(b) *Water rates.* An actual service-at-cost rate for supplying water has long been needed, yet no legislation has been adopted. The delays mean ultimately added cost to the consumers.

(c) *Lighting system.* The city has rapidly increased its white-way lighting system, adding greatly to the cost to the general taxpayers, but with no effort on the part of the council to establish a proper distribution of this cost to those benefiting most from these improvements.

(d) *Street railways.* The street railway problem has been handled in a bungling manner for the full five-year period. Although the failure to route car lines properly has been costing the taxpayers at least $250,000 annually and has threatened increased rates of fare, the council has only recently passed the first rerouting measure.

(e) *A financial program.* The council's attention has been repeatedly called to the need of a financial program covering a period of years so that needed public improvements can be cared for in order of the greatest need; yet no steps have been taken to work out a plan. The same hit-and-miss policy of spending for the moment and for the improvement which has the most supporters still continues.

STREET RAILWAY SITUATION

No better illustration of the aimless and dilatory councilmanic procedure can be given than its inefficient handling of the street railways under the Tayler Grant. This franchise is a contract between the city and the railway company, whereby the street railway company operates the street railways and furnishes service at cost under the general supervision of the council. The council must authorize all capital expenditures, all extensions, reroutings, and new forms of transportation. The franchise provides the council with a street railway commissioner who is the technical adviser of the council, and he has an ample staff. In short, provision is made in the contract for efficient coöperation between the city and the company and effective control by the city.

In the first place the council and the city manager jointly appointed as street railway commissioner a civil engineer who had had no street railway experience of any kind. The office has been especially lacking in constructive suggestions and activities, and ineffective in promoting and protecting the city's interests. Added to this the council has kept in as chairman of this important committee a member of the council who has no grasp of the real transportation problem of this community, and is able to see it only from his narrow local point of view. He has been honest but obstructive. The chairmanship calls for a man who can see the street railway problem as a metropolitan transportation problem; and the committee needs a trained street railway engineer as adviser. Unfortunately we have neither.

While the council deserves credit for adopting the modifications in the Tayler franchise, which enabled the company to finance extensions and improvements, and has established bus lines, the general result has been little of a constructive nature looking to the solution of a difficult transportation problem in the five-year period. Even the major recommendations of the Horr Commission have been only partly carried out, after long and wasteful delays. The needed rerouting is still incomplete. The bus lines are losing heavily. The rate of fare has increased to seven cents and threatens now to go to eight cents. The council continues to delay on obviously desirable actions requested by the street railway company. In short, instead of efficient coöperation on the part of the council with the street railway company to improve the service and keep down the rate of fare, the company's suggestions have met with studied indifference or continued obstruction at the hands of the council committee.

Other illustrations of the failure of the council to fulfill its larger legislative obligations might easily be cited; but they would only add to the drab picture of a colorless record of an unprogressive council whose chief interest has been petty jobs and personal services to constituents rather than the big and pressing problems of a growing city.

NEW LEADERSHIP NEEDED

We would emphasize again that the council, as a whole, is composed of honest men and women, a majority of whom would react favorably to right stimuli if they had proper leadership. But the council now commands little public respect, and it cannot hope to attain the position of esteem and authority which the charter intended it should have, until it shakes off the present low-toned leadership which is dictated from the outside by political leaders. The council must shake off the strangle hold of the present patronage-seeking, partisan control before it can be called a really representative legislative body seeking to carry out the wishes of its constituents under a new and progressive form of government.

P. R. METHOD OF ELECTION

One of the most frequent questions asked is, "Has the proportional representation method of electing members of the council been a success?" Frankly, we cannot see that it has had any substantial effect one way or the other. Its advocates claimed that it would destroy partisan control and give us a higher type of councilmen. Since the council is largely the same in personnel as it was before the adoption of the new charter, it is apparent that it has not materially affected the standard. Its supporters claim that we have had better results than would have been obtained under the single choice ballot. Its opponents claim that it has only tended to foster and intensify racial and religious prejudices, and has kept many honest voters away from the polls. It is quite apparent that there is a widespread feeling of hostility among the rank and file of voters against the P. R. method of election. The League's office gets that reaction from all directions especially at election times. Opinion, however, is widely divergent on the merits of the P. R. system.

All are agreed, however, in the belief that probably we have not yet had an honest election under the P. R. plan. This suspicion has been greatly augmented by the action of the recently ousted board of elections and its chief clerk in permitting to be destroyed, contrary to law, all of the P. R. ballots in the last municipal election, and thus preventing the special grand jury from investigating them for irregularities and fraud. A fairer judgment on the P. R. method of election can be given after this fall's municipal election under the new election board in which the people have more confidence.

THE ADMINISTRATIVE SIDE OF THE GOVERNMENT

Since the council, under the city manager form of government, is the supreme authority and appoints the city manager with power to remove him at any time, the quality of the council membership and the council's general attitude toward the city's business inevitably reflects itself to some extent on the administrative side of the government. We have already pointed out the extent to which they have interfered in appointments and administration during the five-year period.

But the appointive method usually secures better administrative officers than does the elective method. So it was in Cleveland. The members of the new council in January, 1924, recalling the drubbing which the voters had given the Republican administration in 1921, and the general dissatisfaction existing toward Mayor Kohler in 1923, and feeling the sense of official responsibility imposed upon them by the people, met their responsibility in a commendable manner by appointing William R. Hopkins as the first city manager and fixing his salary at $25,000.

MR. HOPKINS' FIRST DECLARATION

In a report at the time (January, 1924) on the qualifications of the twenty-nine candidates being considered for the city managership, the Citizens League said of Mr. Hopkins:

> The Executive Board of the Citizens League has investigated Mr. Hopkins' qualifications for the position. He is a graduate of Western Reserve University and also of Western Reserve Law School, did post-graduate work in the University of Chicago, served one term in the city council, practiced law for a number of years and then organized a company and promoted the Belt Line Railroad.
>
> We have conferred with him on the question of the city manager's unhampered freedom of action in appointments and in the conduct of the city affairs. Mr. Hopkins declares without hesitation that he will not accept the office if there are any personal, political or other obligations which will interfere with his freedom of action in serving the city to the best of his ability. He expressed the belief that the man who accepts the position pledged by promises, which will in any way hamper the service, is doomed to failure at the outset. He believes that the only way by which economical and efficient government under the new plan can be assured is by the appointment of well-trained and experienced men and women to all positions in the city's service without regard to their political affiliations. He regards the position of city manager as one offering large opportunities for useful service to the city; but he believes that this service can be made satisfactory only when the manager is left entirely free to choose his subordinates and to administer the affairs of the city in a businesslike manner. He also believes that the hearty and sympathetic coöperation of the council in carrying out plans for large improvements in this rapidly growing city is essential to the success of the new plan of government.
>
> The Executive Board is of the opinion that Mr. Hopkins is exceptionally well qualified by education, training, experience, character and breadth of view for the office of city manager.

This statement was made by the League early in January, 1924, before Mr. Hopkins was appointed city manager and after he was interviewed by the president of the League and shown the above statement. So in a sense it was a declaration of administrative policy on his part. Now, after five years of intimate contact with his administration and frequent frank differences with him on questions of administrative policy, we believe it is fair to measure Mr. Hopkins' five years of administration by this first statement which covers, at least, the essential features of the conduct of a business as large and complex as that of the city of Cleveland.

DID HE EXERCISE A FREE HAND?

While Mr. Hopkins maintained, no doubt sincerely, that he had a free hand in the appointments of his seven directors of departments, there was and has been no doubt in the public mind that he yielded to outside political, newspaper, and friendship pressure in choosing his cabinet. Although we are not inclined to criticize him for giving due consideration to these various influences in the community at the beginning of the new experiment, subsequent experience with some of these appointees has shown him the unwisdom of keeping his ear too close to the political ground in making important appointments. His later appointments indicate that he now realizes that efficient administration can be attained only by appointing directors and commissioners solely on the basis of merit and fitness.

Under the charter Mr. Hopkins had seven directorships to fill immediately after taking office. Only three changes have been made in five years. The following summarizes the appointments to these important positions:

1. Director of Law—Carl F. Shuler, former assistant law director, personal friend and former law partner of the city manager—five years of continuous service in the office.

2. Director of Public Service—William H. Ferguson, civil engineer, contractor and construction work. Held the position until November, 1928, when he was requested to resign because of the wide divergence of views between him and the city manager on departmental problems. Ralph L. Harding, civil engineer, experienced in construction work, was appointed to the vacancy on December 10, 1928, and has been in office only a few weeks.

3. Director of Public Safety—Edwin D. Barry, former sheriff—a retired business man. Has given five years of continuous and vigorous service in the office as head of the police and fire forces.

4. Director of Public Parks and Property—E. S. Harmon, former wholesale grocer—retired business and prominent lodge man. Served for three years and six months, and then resigned. Samuel H. Newman, for long years commissioner of parks, was appointed in June, 1928, to succeed Mr. Harmon.

5. Director of Public Welfare—Dudley S. Blossom, former director of public welfare under Mayor Davis—a man who renders public service for the love of the service. For the full five years he has been in charge of the city's welfare institutions.

6. Director of Finance—E. J. Semple, former auditor for Standard Oil Company, and later secretary of a coal company. He served for four and a half years in this difficult position and then resigned to return to his position with the Standard Oil Company. Stephen G. Rusk, certified public accountant, member of the firm of Rusk & Williams, succeeded Mr. Semple on September 15, 1928.

7. Director of Public Utilities—Howell Wright, graduate of Yale University; trained as a lawyer; served the community in several social welfare positions, the last of which was secretary of the hospital council; active in democratic local politics; former state senator and candidate for city council in 1923; five years of continuous service in charge of the water and light departments.

It will be seen from the above list that the manager's cabinet has remained largely intact for the full five years, the three changes having taken place in the past nine months.

NOT SUFFICIENT TOUCH WITH DEPARTMENTS

At the outset Mr. Hopkins announced the policy of giving his directors a free hand in the conduct of their own departments. He has, in the main, observed that policy in actual practice to such an extent that close observers of the administration have criticized the manager because he did not maintain a close enough supervision over his departments to know their problems and to see the weak places in their administration.

We believe that this criticism is justified. Not that the city manager has not been an indefatigable worker, because he has worked overtime, all of the time, on big public improvements. But no amount of industry and no amount of attention to the promotion of larger civic projects can be substituted for a strong grip and tight reins on the details of an administration as varied as that of the city of Cleveland. The most successful administrators are those who keep in sufficiently close touch with their departments to know the details of their work, to instil into them the spirit of the service, and to blend them all into one coöperative effort for the promotion of the city's interest.

Mr. Hopkins has been so completely absorbed in the larger civic projects such as the lake front, the mall, the public auditorium, the planning of the city, and other large physical improvements, and the task of discussing them before organizations and groups of citizens, that he has not been able to acquaint himself sufficiently with the details of the departmental work. He is especially well adapted to the development and promotion of these large plans and projects. He likes that work, and is untiring in his efforts in that field. He has no regard for reasonable hours of labor or for his own physical condition. He works all day and then spends the evening in attending meetings and making speeches. He cannot do more and retain normal health and a safe physical condition. But, nevertheless, sufficient attention is not being given to the departmental organization and the routine matters of government.

AN ASSISTANT CITY MANAGER NEEDED

For that reason the pertinent suggestion has frequently been made that the council should establish the position of assistant city manager with a sufficient salary to enable the manager to obtain the services of an assistant who could relieve him of much of the detail of routine administration and tie together all of the loose ends of the city's business. No private corporation doing a $45,000,000 business, as the city is doing annually, would think of getting along without one or more chief assistants to the president or general manager. The appointment of a competent assistant city manager by the manager would give him an experienced adviser who could keep him accurately informed on departmental details, speed up the decision on many matters that are now too long delayed in the manager's office, and enable the manager to devote most of his time to the many pressing projects for larger public improvements.

THE MERIT SYSTEM IN APPOINTMENTS

While the city manager, as stated above, has left largely to his directors the administration of their departments, he has, it seems to us, unduly interfered in the appointment of their heads of divisions; and has, with the permission of the civil service commission, violated the clear intent of the charter as well as the civil service section of the state constitution, by having these positions placed outside of the competitive service.

The charter was built upon the principle that the directors were the political heads over a number of closely allied technical divisions. The directors were therefore placed in the exempt class and subject to removal at any time by the city manager. The commissioners or heads of the twenty-seven technical divisions in the seven departments were all placed by the charter in the competitive classified service, and the positions were intended to be filled after competitive tests by persons especially equipped by training and experience for those positions. Twelve of the twenty-two commissionerships, at the request of the manager, have been placed in the non-competitive class by the civil service commission, and all of these positions have been filled without competition as required by the charter and the state constitution. Every commissionership which has been vacant in the past two years has been filled by non-competitive appointments at the request of the city manager.

While it is true that the manager, in each instance, has appointed a technically-trained man, and, just possibly a more competent man, yet we believe that satisfactory results could have been obtained without doing violence to this well-established and generally recognized principle of merit as laid down in the charter and the constitution.

AN INCOMPETENT CIVIL SERVICE COMMISSION

There is one justification, however, for the manager's request that these technical positions be taken out of the competitive classified service—namely, the incompetence of the civil service administration throughout the five-year period. Unfortunately, the new charter gave the appointment of the three civil service commissioners to the city council. This has resulted in strictly partisan appointments in all three cases, openly dictated from Republican headquarters. No one of the three commissioners had ever had any experience with or shown any regard for the merit system before his appointment; and they have developed little sympathy for the merit system since their appointment.

The commission in turn appointed as its secretary and chief examiner a Republican ward leader, salesman for a fire extinguisher device, who had had no experience in personnel administration. Then the commission proceeded to place all of its examiners in the non-competitive class and to fill all vacancies in the commission's staff with partisan employes. While some of its examiners and most of its clerical staff, holdovers from former administrations, have done satisfactory work, there has been such an atmosphere of partisan favoritism in the whole civil service administration that the public has lost confidence in its examinations and has little respect for its eligible lists. No doubt sharing this view, the city manager has asked to be relieved of such an obstruction in the way of selecting the most competent available persons for these technical positions.

The civil service commission, which was intended to be one of the effective means of eliminating partisan spoils and of establishing and maintaining a service based solely on merit, has from the outset of the new form of government been a hindrance rather than a help to efficient administration. It has yielded to partisan influences in its own appointments; it has seriously interfered with discipline in the police and fire service by restoring convicted policemen and firemen to their positions; it has not only winked at, but has authorized appointments in the city and county service in violation of the charter and its own rules; and it has consistently closed its eyes to all violations of the civil service laws. In short, instead of being the authority to prevent the domination of partisan spoils in the administration of city affairs, it has been the tool of the Republican organization to foster and protect partisan influence in what should be a strictly non-partisan administration of the city's business. This is the council's responsibility and is one of the strong indictments against the present council members, a large majority of whom participated in all three appointments.

MANAGER'S RELATION TO THE COUNCIL

One of the much discussed questions under the city manager government has been the manager's relations to the council, and to matters of public policy as distinguished from matters of administration. The city manager charter, while it gives to the council the supreme authority in the city government, also tries to maintain as clear a demarcation as possible between the determination of policies and the administration of policies. The council is supposed to determine policies and the manager to administer them.

The Executive Board of the League has had occasion more than once to call the attention of the city manager to the clear distinction between these two functions and to impress upon him the importance of a jealous observance of this distinction in the conduct of his administration. Soon after his appointment when the League was urging a $6,000 salary for the president of the council so that, as mayor, he could afford to be spokesman for the council on matters of public policy, the city manager objected to the letter which the League sent to the council. The Executive Board at that time (January 16, 1924) in a letter to the manager outlined its reasons for urging a close observance of this principle as laid down in the charter. They were in brief:

(a) The city manager is the impartial administrator of all the people to carry out the provisions of the charter, laws and ordinances.

(b) The success of the city manager's administration depends largely upon the permanency in tenure of the city manager and his trained staff of officers and employes.

(c) When the city manager becomes the aggressive advocate of new municipal policies he undermines the permanency of his position by engendering the opposition of the forces opposed to the policy advocated.

(d) If the council's major and important function of determining policies is usurped by the manager and the council becomes subordinate to the manager, as former councils have been to the elective mayor, the importance of the councilmanic office is decreased and fewer candidates of the right sort will seek election.

The Board tried particularly to impress upon the city manager the fact that the new form of government sought permanency on the administrative side of the government; and that the advocacy of debatable policies by the manager weakened his permanency of tenure, by making the manager the target of attack for all the forces opposed to the particular policies advocated.

The soundness of the League's position has been amply justified by a series of subsequent events, culminating a year ago in November (1927) in the effort to overthrow the city manager form of government and return to the strong-mayor plan. In that campaign the issue largely swirled about the question, "Shall we keep Mr. Hopkins as city manager?"; and it was decided by an uncomfortably close vote in favor of retaining the city manager form. A similarly close margin was experienced in the second election on that question at the April primary.

The friends of the city manager plan have many times wished that City Manager Hopkins could get more of the English municipal officers' point of view, namely, that the administrative officer's foremost job is to administer policies and not to determine them. It was expressed recently by an English municipal official, I. G. Gibbons, in the

NATIONAL MUNICIPAL REVIEW, in this way:

> The future of the city manager form of government is imperiled by the incursion of city managers into matters of policy—a practice which in this country (England) would not be countenanced in an official employed by a municipal corporation. In this country one of the essential conditions of tenure is that officials do not become public advocates of policy.

A COÖPERATIVE JOB

It is only by a constant recognition and a jealous observance of these finer distinctions between the functions of the council and those of the city manager that the spirit of coöperation can be maintained between these two arms of the government, which is so essential to the highest efficiency. One of the recognized weaknesses of the strong-mayor-council plan of government is the almost inevitable clash between an elected council and an independently elected chief executive. This same antagonism can readily be developed between a council and a strong city manager. It can be avoided only by a generous recognition by both of the respective fields of each, as outlined in the city charter.

CINCINNATI'S GOVERNMENT

One of the chief reasons why the city manager form of government has succeeded so well in Cincinnati and is so popular with the people is the fact that Mayor Seasongood has always insisted upon observing these distinctions, and Colonel Sherrill, city manager, true to his training as a military officer, has from the outset recognized them.

In all frankness, however, it must be said in this connection that City Manager Hopkins has been confronted with a very different set of circumstances than those which confronted the city manager of Cincinnati, namely, that no member of the council during the city manager's administration has shown sufficient ability as a leader to command sufficient public attention and receive sufficient public support to make him the spokesman for the city council in matters of public policy. In Cincinnati, on the other hand, the city was fortunate in having an able and prominent leader in Mayor Seasongood, who has been willing to sacrifice his time and bear the brunt of attacks for the good of his city. This is offered as an explanation, but not as an excuse; for a disregard of fundamental principles in government, because temporary circumstances make their application difficult, in the long run usually results in disaster. The city manager form of government, we believe, over a period of years, will succeed far better where there is an insistence upon the observance of these fundamentals even in the face of temporary and changing difficulties.

THE NEW PLAN SUCCEEDS IN CLEVELAND

But in spite of the difficulties and drawbacks above enumerated the city manager form of government, in comparison with past administrations, has, in our opinion, given Cleveland a better administration of city affairs than in any comparable five years in the city's history. This, we believe, can be proved in the actual results attained in the performance of the daily routine of municipal housekeeping, in the large improvements projected and accomplished, and in the money spent in obtaining these results.

Unfortunately, there are no printed annual reports covering the last ten years from which to draw full statistical comparisons; and even the typewritten reports of some of the departments during the Davis mayoralty régime are entirely missing. So that much of the comparative evidence in the form of statistics cannot be presented. But there is enough available, we believe, to present convincing proof of the superior quality of the city manager administration over that which preceded it.

DEPARTMENT ACCOMPLISHMENTS

A detailed account of the activities of all of the departments and divisions is, of course, out of the question in this brief estimate, so that only the more significant facts will be set forth in proof of the above general conclusion as to the quality of the city manager administration.

Street Paving.—More street paving with a gradual decrease in cost and a steady improvement in quality, has been laid in the past five years than in any previous equal period in the city's history. This was the conclusion of the engineer of the Bureau of Research after twelve years of constant observation of the paving work. Comparing the last five years with the figures for the year preceding will show the tendency in costs.

NEW PAVING, REPAIRING AND RESURFACING

Year	Mileage	Area (Sq. yds.)	Contract Price	Average cost per sq. yd.
1923......	40.822	722,872	$4,508,675	$6.24
1924......	47.251	780,177	4,798,121	6.15
1925......	81.838	1,354,080	8,401,299	6.20
1926......	26.147	425,630	2,422,967	5.69
1927......	52.928	923,365	5,594,730	6.06
1928......	25.95	466,411	2,575,770	5.52

The per square yard costs are still higher than in some other comparable cities; but in so far as the city manager administration is concerned, the figures show decreasing prices with increasing quality of pavements laid.

Street Cleaning.—Streets have been cleaned oftener, garbage, rubbish, and ashes have been collected more frequently, and snow has been more effectively removed than in any previous five years in the city's history. In the year 1926, as an illustration, the city cleaned 40 per cent more streets under a schedule of 35 per cent more frequent cleaning, and did it for $100,000 less than the less work was done in 1920. The following table of earnings in the street division from garbage collection and disposal is only one of a number of illustrations of the increased earnings from city services.

GARBAGE COLLECTION AND REDUCTION

Year	Tons collected	Cost per ton collection and disposal	Revenue from by-products
1920......	68,645	$14.50	$118,900.00
1921......	92,385	11.68	162,000.00
1922......	96,275	10.96	235,000.00
1923......	111,128	9.23	275,000.00
1924......	123,775	7.99	199,000.00
1925......	143,575	7.34	296,000.00
1926......	157,551	6.98	315,000.00
1927......	146,110	7.46	267,908.63
1928......	131,851	7.41	298,998.31

The marked decrease in cost per ton for collection and disposal and the distinct increase in revenue from by-products are significant proof of a more efficient administration during the last five years.

WELFARE WORK OF HIGH QUALITY

The city hospitals, infirmaries, sanatoriums, workhouses, and welfare homes have been more economically operated and more efficiently managed, and more real social vision has been shown in their administration than in any previous five years of the city's history. This can be shown by cold statistics, by the testimony of those who are the beneficiaries of the city's benevolence, and by those who have been engaged in social service work and have come in intimate contact with these institutions.

The City Farm.—The reports during the past five years show a marked increase in the receipts in the form of milk, eggs, vegetables, and other supplies from the city farm of 2,200 acres. In the four years, 1920 to 1923 inclusive, the total receipts from sale of material to other institutions amounted to $135,697.68. In the last four years under the city manager administration the total receipts were $278,869.33, or more than double that of the preceding four years. The five years under the manager administration shows the following:

Year	Appropriation	Number of employes	Receipts from farm
1924..........	$88,725.00	31	$62,043.85
1925..........	95,475.00	35	75,836.65
1926..........	98,045.00	38	69,625.28
1927..........	105,482.00	40	66,039.66
1928..........	95,250.00	38	67,367.74

The City Infirmary.—The city infirmary, with its more than 800 aged men and women who are wards of the city, is becoming more and more a real home for these aged and infirm people. While the population has substantially increased, and little in the way of much-needed capital outlays has been spent in the five-year period, yet the inmates and the social workers who are best acquainted with the infirmary are agreed that these city wards have been receiving better care and more comforts in the past five years than in any period since the infirmary was built. This increased service has been rendered at a gradually decreasing per capita cost as the following table will show:

Year	Appropriation	Infirmary population	No. of employes	Per capita per day cost
1920.....	$362,488.00	618	79	$1.09
1921.....	450,000.00	648	68	1.08
1922.....	246,000.00	651	54	.95
1923.....	203,000.00	689	57	.85
1924.....	215,890.00	679	53	.80
1925.....	211,280.00	724	54	.81
1926.....	233,713.00	751	59	.86
1927.....	250,301.00	796	61	.77
1928.....	253,526.00	842	61	.75

The fact that a public institution in these days of continuing high prices can maintain a gradual increase in quantity and quality of the service rendered to its inmates, with at the same time a decreasing cost and a decreasing staff, is an indication of efficient management.

City Hospital.—One of the city's welfare institutions which has been considerably enlarged within the five-year period, and whose population has grown rapidly, not only because of enlarged facilities, but because of the growing popular feeling that it is a good place to go in time of sickness, is the city hospital. Its equipment and staff is generally regarded as the equal of the privately endowed hospitals in the city. While its per capita cost of operation has remained nearly stationary, there is no doubt among physicians and laymen alike that the facilities and service have greatly increased in the past five years.

Year	Expenditures	Average daily attendance	Receipts from patients	Per capita per day cost
1920....	$561,096.34	447	$28,709.00	$3.46
1921....	630,316.49	438	10,848.00	4.41
1922....	626,848.98	477	11,397.00	3.63
1923....	855,243.72	569	34,386.00	4.35
1924....	1,103,023.04	715	48,821.00	4.05
1925....	1,181,477.26	839	53,556.00	3.94
1926....	1,275,637.18	932	73,003.00	3.72
1927....	1,276,586.50	932	70,920.00	3.61
1928....	1,280,000.00	990	59,644.00	3.54

Health Division.—In every feature of health administration the city manager administration shows consistent and gradual improvement. The number of deaths from various diseases is a good measure of the efficiency of health administration. The following table speaks for itself.

Cleveland now holds the enviable position of ranking highest among American cities for its good health conditions. Its position among the

Year	Deaths per 100,000 population			Infant mortality per 1,000
	Typhoid	Pneumonia	Tuberculosis	
1920	3.22	141.0	121.3	86.0
1921	3.49	94.3	107.5	73.1
1922	2.23	117.0	103.2	75.9
1923	1.08	133.0	97.3	67.1
1924	1.21	119.0	99.9	66.2
1925	1.49	114.0	92.5	65.8
1926	1.46	124.0	94.6	71.2
1927	1.02	73.7	86.5	56.0

cities in this respect is shown in the following table of death rate per 1,000.

City	1924	1925	1926	1927
New York	11.84	11.94	12.9	11.8
Chicago	11.19	11.46	11.7	11.5
Philadelphia	12.95	13.16	13.8	12.2
Detroit	12.59	11.02	12.5	10.8
Cleveland	*10.17*	*10.36*	*11.07*	*9.6*
St. Louis	13.53	13.85	13.9	12.9
Pittsburgh	15.38	14.81	14.1	13.6

The statistics from other divisions of the welfare department show quite as marked degrees of economy and efficiency in administration as do those which have been enumerated. But, of course, social welfare service's best measurement is not statistical. Its true measurement is to be found in the intelligent care given to the city's sick and unfortunate, who are wards of the city. A year ago in a report on the welfare department we declared that the officials in charge were doing their best, that politics played little part in the welfare work, and that there was the closest and most cordial relation between the private and public welfare agencies—a condition which assures Cleveland citizens that the city's sick and unfortunate are being well cared for.

THE POLICE AND FIRE DIVISION

Nor is it easy to show statistically the character and quality of the service in the police and fire divisions; but it is well known that when city manager government was inaugurated both divisions were sadly in need of equipment and reorganization. Police headquarters were still in the old dilapidated building on Champlain Street, the patrolmen were still walking their beats, with a limited number using motor cycles, and horses were still being largely used. But since the city manager administration took hold of the service, new headquarters have been built; the police force has been almost completely reorganized; the traffic bureau, women's police bureau, the automobile record bureau, and the criminal investigation bureau, have been established and the detective bureau has been reorganized; the police force has been largely motorized so that two patrolmen in a car can cover many times as much territory, and do it more effectively than does the lone foot patrolman; much new equipment has been purchased; a new signal system with a complete teletype outfit has been installed; new police and fire repair shops built; thousands of traffic signs erected, hundreds of traffic signal lights installed, and numerous other improvements in equipment and organization introduced.

While it is admitted that the police force of 1,200 men is far too small, yet it is generally agreed that Cleveland is getting about as good service as any other city with a force of that size, chosen as they are with no training from the rank and file of citizens. Politics has little influence in appointments or promotions. Over 900 appointments and promotions have been made in the five years, and the policy of choosing the highest on the eligible list has been strictly observed throughout the period.

There is, of course, always plenty of criticism of the police force of Cleveland. Some of it is justified. But we believe it can be said, without fear of successful contradiction, that police administration in Cleveland during the past five years has been superior in general efficiency to that of any other five years since Cleveland became a large city.

THE FIRE DIVISION

The same general characterizations can be made of the city manager administration of the fire department. Much of the antiquated fire apparatus has been replaced with new and more efficient machinery; a new fire alarm system has been installed; fire stations have been repaired; and while there is entirely too much politics in the division, there is much less than in former years, and the force has been able to cope with fire hazard successfully and to the satisfaction of the fire underwriters. No city in the country has a higher rating for its ability to protect property against fire hazards.

PARKS AND PUBLIC PROPERTY

While it is difficult to show in tabular form the accomplishments of the parks and public property department in the matter of public recreation and park facilities, yet there are many convincing evidences that the city manager administration of the parks, playgrounds, public baths, park concerts, and other recreation facilities has been far more generous and efficient than under the five years preceding. When the manager took office the parks were in a deplorable condition. In the five years much has been done to rehabilitate them, trees have been trimmed and treated for infection, shrubbery has been replanted, roads have been rebuilt, streams have been rebanked, the zoo has been greatly extended, park concerts have been organized and expanded, large swimming pools have been constructed and the management of playgrounds, public baths, and swimming pools has been placed on a vastly improved basis. The income from earnings in the services under the director of parks and public property totaled $4,252,108.72 for the five-year period.

The Cleveland Air Port.—One of the outstanding contributions to commercial aviation has been the purchase, improvement, and management of the Cleveland air port. The city now owns 965 acres, and has negotiations under way to increase it to 1,100 acres of land, in the air field. Nine hangars have been built, with one under construction and two more under consideration. A complete system of lighting for night flying has been installed and the federal government has erected a radio communication station. In 1925 approximately 4,000 airships landed and took off from the field. In 1927 this had increased to 16,000, and in 1928 to 17,600, exclusive of sight-seeing and student flight planes. At present there are nine operating companies using the field under lease agreements. There are twenty-four daily schedules of flights, and six air lines connecting Cleveland with all parts of the country. Cleveland's conspicuous position in commercial aviation has been assured by the far-sightedness of the city manager administration.

Public Auditorium.—The Cleveland public auditorium has been completed under the city manager administration, and its management during the five years has been a credit to the city. Each year the operating receipts have considerably exceeded operating expenditures. In 1928 the cash receipts from rentals and other sources totalled $319,262.76, and the cash expenditures, including the heating of the new portion while under construction, totalled $311,556.24. At least $25,000 of these expenditures were not logically chargeable to operation for the year 1928; so that the excess of cash receipts over cash expenditures for 1928, the lowest in the five years, was approximately $33,000.00. This does not include interest and sinking fund charges. The main auditorium, together with the annex, has attracted to Cleveland some of the foremost trade conventions, international conferences, and expositions, which are held in the country—all of which means heavy spending at Cleveland hotels and with Cleveland merchants. As a result of the fine exposition equipment and efficient management of the auditorium, Cleveland has become one of the great convention cities of the country.

PUBLIC UTILITY SERVICES

During the city manager administration the public utility department has been struggling with the problem of placing the three public utilities—water, heat, and power—on a sound financial basis. This task is not yet completed. The department has completed the Baldwin filtration plant, the Division Avenue plant has been rehabilitated, and a new pumping station has been built at Kirtland Station. The city is now equipped to pump 330 million gallons of water per day, 315 million gallons of which can be filtered. It is entirely safe to say that Cleveland's water supply today is unexcelled in quality or quantity by any large American city. The question of rates to be charged to the consumers, especially in the outlying areas where the cost of supply has been greatly increased, is one of the issues which the council has thus far failed to face and make the necessary readjustments in charges.

Municipal Light Plant.—The city manager found the municipal light plant in a thoroughly run-down condition, with the generating capacity far below the normal requirements necessary to insure safe and regular service to the customers. During the five-year period the plant has been placed in good condition, a new accounting system installed, and the total plant investment increased from $9,300,000 to $14,000,000. On January 1, 1924, the number of electric street lights was 4,132. On January 1, 1929, the total number of street lights, including the white way system, was 10,878, or more than double the number in 1924.

We might go on indefinitely with these illustrations and comparisons between the city manager and former mayor-council forms of government in the various departments and activities, but space is lacking.

EXPENDITURES UNDER CITY MANAGER PLAN

The final test, however, of good or bad administration is its cost. When the city manager administration was installed, the departments generally were in a run-down condition as the result of false economy of the two preceding years and the wasteful political administration of the preceding four years. Rehabilitation is always an expensive process, and particularly so after years of serious neglect. So even to bring the city back to normal meant increased expenditures. But the increased service in nearly every department, as has been shown above, would normally presuppose a considerable increase in expenditures. There has been an increase in expenditures but not nearly so large as the increased income from services rendered, so that in fact the total sums received from general taxes have increased only 10 per cent; while the tax rate for city purposes has actually decreased, as shown by the following table.

The facts are that if the city manager had inherited a city government in normal condition with equipment as

TAX RATE AND INCOME

Year	Tax rate in mills for city purposes	City income from taxes	Income for other state and county purposes
1924	10.3696	$19,183,760	$25,586,240
1925	10.0006	21,511,290	25,573,710
1926	10.0300	21,564,500	28,100,500
1927	9.8785	20,744,850	29,865,150
1928	9.9632	20,922,720	32,577,280

nearly up-to-date as it now is, instead of a mass of run-down equipment and decaying improvements, and a lot of old debts due to past partisan political mismanagement, the record today would show either no increase in expenditures or many additional improvements which are now so sorely needed.

COMPARATIVE EXPENDITURES

But even with the bulky burden of unpaid bills, financial mismanagement, and unwise economies which the city manager administration received from former administrations, the operating and maintenance expenditures of Cleveland, according to Federal Census Bureau figures, have been lower than that of any of the first ten cities east of the Mississippi, and considerably below the average of the first twenty-four cities in the country. The following figures from the latest federal report covering the year 1926 will indicate the amount:

Cities	Total per capita	Education and library per capita	Total per capita less schools and library
New York	52.98	18.57	34.41
Chicago	42.16	14.24	27.92
Philadelphia	40.04	12.01	28.03
Detroit	44.40	14.55	29.85
Cleveland	*39.67*	*16.92*	*22.75*
St. Louis	35.55	12.14	23.41
Baltimore	33.00	9.91	23.09
Boston	60.84	19.53	41.31
Pittsburgh	50.58	16.93	33.65
Buffalo	55.50	18.36	37.14
Av.—24 cities	44.23	15.59	28.64

These figures for 1926 show Cleveland nearly $6.00 per capita lower than the first 24 cities.

BONDED INDEBTEDNESS

While Cleveland has maintained a lower per capita cost of governing for operation and maintenance than most of the cities, her bonded indebtedness does not show quite the same relatively favorable situation. But this is not due so much to city manager administration as to the ill effects of the old Smith one-per-cent tax law which compelled the cities of the state, during the war period and after, to issue long-term bonds for current expenses. This seriously objectionable policy was finally abolished by state legislation. The city manager recently reported that during the five years of city manager administration the city has discharged $37,000,000 of indebtedness and issued new bonds to the amount of $42,000,000—an increase of approximately $5,000,000 over the amount of outstanding bonds in 1923. The total of the city's bonded indebtedness on January 1, 1929, not including public utility and special assessments, was approximately $74,000,000 with $12,000,000 in the sinking fund, leaving a net debt of approximately $62,000,000. This is less than 3 per cent of the tax duplicate, leaving a margin of 2 per cent under state law for future bond issues by a vote of the people.

Cleveland's relative position among the ten comparable large cities as to bonded debt is shown by the following comparative table prepared by Mr. Rightor of the Detroit Bureau of Municipal Research for the NATIONAL MUNICIPAL REVIEW.

The following table shows that Cleveland's net bonded indebtedness, including public utility indebtedness and special assessment, is considerably below the average and has increased in

City	Jan. 1, 1924	Per capita net debt	Jan. 1, 1928	Per capita net debt
Chicago	$122,435,900	$45.32	$381,477,056	$122.94
Philadelphia	201,758,832	110.63	211,659,102	103.96
Detroit	127,463,571	128.28	202,070,405	151.42
Cleveland	*117,711,982*	*147.75*	*124,385,370*	*126.34*
Boston	82,116,230	109.77	96,226,443	121.33
Baltimore	85,752,792	116.85	124,221,493	151.67
Los Angeles	102,942,722	178.51	202,070,405	157.87
Pittsburgh	55,953,442	95.10	....	......
Buffalo	51,445,937	101.51	77,820,591	141.49
Cincinnati	76,010,504	189.43	76,795,717	186.31
Av. per capita	....	122.31	....	131.29

total amount at a much slower rate than the other comparable cities.

LARGER PUBLIC IMPROVEMENTS

In this analysis we have confined our attention largely to operating expenditures and their comparison with former administrations. But the five-year city manager administration compares most favorably with any other similar period in the extent of its larger and more significant public improvements. The city has practically completed the ownership of the mall site by the purchase of twenty-six parcels of land—more than was acquired during the twenty-two years since the plan was first initiated. A large and well-equipped air port has been purchased and constructed of nearly 1,000 acres of land within easy distance of the heart of the city. A new farm of 83 acres has been purchased for future city institutions, and already the new girls' home on the cottage plan has been erected. Large plans are under way for the development of the lake front. Wade Park has been extensively beautified. The public auditorium has been completed. Other major improvements and city plans are in the making and are only waiting better times financially and a willingness on the part of the voters to approve the bonds necessary to meet the costs.

So that from the several points of view, expenditures, services and improvements as well as in comparison with like expenditures in other American cities, the five years of city manager administration in Cleveland shows a better record than former administrations or other cities.

CONCLUSION

In presenting these facts in proof of the general thesis that city manager government has been a success in Cleveland, despite a mediocre legislative body, we have not lost sight of the many deficiencies of the city manager administration, many of which have been publicly called to the attention of the city manager by the League. Nor have we overlooked the disposition of the manager and most of his department heads to let partisan politics play a too considerable part in the choice of employes. But that is rapidly diminishing as the city manager gets hold of the problems. We are convinced, however, that the city manager is sincerely and whole-heartedly interested in giving his home city the best administration possible with the instruments and equipment at his disposal; and that as a result of his management Cleveland has had better administration and the people have received more for their money, and more real vision of the city's problems has been exhibited in the five years under the city manager government than in any previous five years in the city's history.

NATIONAL MUNICIPAL REVIEW

PUBLISHED MONTHLY BY THE

National Municipal League

VOL. XVIII, NO. 4 APRIL, 1929 TOTAL NO. 154

CONTENTS

EDITORIAL COMMENT . . . . . . *H. W. Dodds* 221
IN-JUSTICES OF THE PEACE . . . . . . *J. W. Manning* 225
POLICE COURT JUSTICE IN ENGLAND . . . . . . *Herbert Harley* 227
HOW CINCINNATI'S NEW GOVERNMENT IS IMPROVING CIVIL SERVICE MORALE . . . . . . *R. O. Beckman* 232
THE MANAGER PLAN APPROPRIATE FOR COUNTIES. *Rowland A. Egger* . . . 237
SAN FRANCISCO'S SUCCESS WITH VOLUNTARY REPLATTING AS AN AID TO CITY PLANNING . . . . . . *M. M. O'Shaughnessy and Philip H. Cornick* 242
OHIO APPRAISES ITS REORGANIZED STATE GOVERNMENT . . . . . . *Harvey Walker* 249
HIGH SPOTS OF GOVERNORS' MESSAGES . . . . . . *Ralph S. Boots* 253

DEPARTMENTS

I. Recent Books Reviewed 257
II. Judicial Decisions . . . . . . *Edited by C. W. Tooke* 263
III. Public Utilities . . . . . . *Edited by John Bauer* 267
IV. Municipal Activities Abroad . . . . . . *Edited by W. E. Mosher* 270
V. Governmental Research Association Notes . . . . . . *Edited by Russell Forbes* 274
VI. Notes and Events . . . . . . *Edited by H. W. Dodds* 277

GRIFFENHAGEN & ASSOCIATES, LTD.
BUREAU OF PUBLIC SERVICE

Consultants and active assistants on the administrative and financial problems of public bodies in programs of review, audit, and constructive improvement; seventeen years of experience in the service of officials, legislators, and citizen organizations

HEADQUARTERS OFFICES 155 EAST SUPERIOR STREET, CHICAGO
EASTERN OFFICES MILLS BUILDING, WASHINGTON, D. C.

THE LEAGUE'S BUSINESS

The League's Honor Roll.—The National Municipal League has been unusually fortunate in having a large body of members who continue their support from year to year. We take pleasure, therefore, in reprinting below the names of those who have held membership continuously for more than twenty-five years. Some have been members ever since the League was organized in 1894. This list includes many who have stood in the forefront of every movement for municipal reform which has been waged during the last quarter century.

William P. Bancroft, Wilmington, Del.
Mrs. George Burnham, Jr., Kintore, Berwyn, Pa.
George F. Canfield, New York, N. Y.
Harvey S. Chase, Boston, Mass.
Chicago Civic Federation
C. M. Clark, Philadelphia, Pa.
Harry C. Clark, Providence, R. I.
R. Fulton Cutting, New York, N. Y.
Robert W. DeForest, New York, N. Y.
Horace E. Deming, New York, N. Y.
A. H. Devers, Portland, Ore.
George Eastman, Rochester, N. Y.
Professor John A. Fairlie, Urbana, Ill.
Samuel S. Fels, Philadelphia, Pa.
Edward A. Filene, Boston, Mass.
Professor Irving Fisher, New Haven, Conn.
Hon. William Dudley Foulke, Richmond, Ind.
Thomas H. Franklin, San Antonio, Texas
A. S. Frissell, New York, N. Y.
Harry A. Garfield, Williamstown, Mass.
William Gemmell, Providence, R. I.
F. J. Goodnow, Baltimore, Md.
Professor Albert Bushnell Hart, Widener Library, Cambridge, Mass.
Charles M. Higgins, Brooklyn, N. Y.
William V. Kellen, Cohasset, Mass.
Clarence H. Kelsey, New York, N. Y.
Arthur H. Lea, Philadelphia, Pa.
Joseph Lee, Boston, Mass.
Eugene Levering, Baltimore, Md.
Los Angeles Municipal League
William G. Low, New York, N. Y.
Dr. A. Lawrence Lowell, Harvard University, Cambridge, Mass.
Frank Lyman, New York, N. Y.
F. W. Lyman, Minneapolis, Minn.
George R. Lyman, Pasadena, Calif.
V. Everett Macy, New York, N. Y.
George W. Marston, San Diego, Calif.
Miss Ida M. Mason, Boston, Mass.
Samuel Mather, Cleveland, Ohio
Stanley McCormick, Chicago, Ill.
Hon. Vance McCormick, Harrisburg, Pa.
J. Horace McFarland, Harrisburg, Pa.
Adelbert Moot, Buffalo, N. Y.
New York Citizens Union
New York Tax Reform Association
Frederick Law Olmsted, Jr., Brookline, Mass.
Robert Treat Paine, Boston, Mass.
Lawson Purdy, New York, N. Y.
George H. Putnam, New York, N. Y.
Alfred G. Scattergood, Awbury, Germantown, Philadelphia, Pa.
Benjamin F. Seaver, Brooklyn, N. Y.
Professor Edwin R. A. Seligman, Columbia University, New York, N. Y.
Henry D. Sharpe, Providence, R. I.
Dr. Albert Shaw, New York, N. Y.
James Speyer, New York, N. Y.
Fred W. Squires, New York, N. Y.
Hon. Charles W. Stage, Cleveland, Ohio
Samuel Thorne, Jr., New York, N. Y.
Twentieth Century Club, Boston, Mass.
Cornelius Vanderbilt, New York, N. Y.
George Wigglesworth, Boston, Mass.
Rev. D. D. Wood, Washington, D. C.
Clinton Rogers Woodruff, Philadelphia, Pa.
George Woodward, M.D., Philadelphia, Pa.

The above list has been compiled from our membership records, but makes no claim to completeness. If we have omitted any persons who have been members for more than twenty-five years, we shall be glad to rectify our mistake in a later issue, upon being duly notified.

Russell Forbes, *Secretary.*

NATIONAL MUNICIPAL REVIEW

VOL. XVIII, No. 4 APRIL, 1929 TOTAL No. 154

EDITORIAL COMMENT

During 1928 the Baltimore municipal employment bureau found jobs for 3,683 persons, 513 of whom were women. Total registrations with the bureau amounted to 4,916. The bureau operated for the year at a cost of $4,100.

*

The Detroit police department distributes a daily bulletin on automobile crashes, for posting in public places. The cause of each accident is displayed in red ink.

*

The comprehensive note in the Judicial Decisions department of this issue, upon airports as a "public purpose," is from the pen of Harry J. Freeman, research fellow of the New York University Law School in special charge of work in the law of aviation. The law of aviation is a rapidly developing field, and readers who have anything to do with municipal problems will profit from a reading of Mr. Freeman's contribution.

*

That an irregular situation may easily arise from an unwise charter limitation has recently been strikingly illustrated in San Angelo, Texas. The charter did not allow an increase in the salary of the city manager. Therefore the manager resigned. Immediately upon his resignation as manager, he was engaged by the city commission as supervising engineer for the city, at an increase over his previous salary.

*

The South Dakota state chamber of commerce is studying to discover new sources of revenue to be applied to the reduction of existing taxes on real property, particularly local taxes. If they succeed in reducing municipal taxes without resort to income or other equally unpopular forms of taxation, their report will be assured of wide attention throughout the country.

*

The justices of the peace of Mercer County, New Jersey (Trenton), smarting under the criticism which has recently been directed against their judicial methods, have organized a society to oppose legislation to restrict their powers. Although they cannot be legislated out of existence without a constitutional amendment, they have served notice to officeholders and aspiring politicians that they must reckon with the organized influence of the J. P.'s. The new association will be a somewhat exclusive secret society. Every J. P. need not expect to belong simply because he received a handful of votes and has hung out a shingle. A membership committee has been organized to pass on applications to join, and only those who qualify before the committee will be accepted.

False Propaganda George U. Harvey, who was elected president of Queens Borough, New York, following his revelation of sewer grafts, and who has charged that sewer contractors tried to bribe him with an offer of $200,000 a year if he would see that they got the pick of contracts, finds that the villains still pursue him. His enemies, including even certain Republican leaders, have been spreading "false propaganda" about him, he complains. Some of the lies relate to his Republicanism. Word has been passed around, he says, that he has not given Republicans any positions in Borough Hall, although they know that because of civil service restrictions the borough president has very few positions to give out. This propaganda is as un-American and unfair, asserts Mr. Harvey, as it is false and cowardly.

As a practical politician, Mr. Harvey doubtless regrets that he cannot reward more deserving Republicans. His opportunity to assert his Republicanism has been frustrated by the civil service law. He is entitled to his own regrets in the matter, but to link the spoils system with Americanism further degrades this much abused term.

*

Borough Presidents Fear Planning Commission New York City's borough presidents are in open revolt against the proposal to establish a permanent city planning board to pass on public improvement programs before the board of estimate acts on them. Readers of the February REVIEW (p. 124) will recall that the bill, drafted by E. M. Bassett, provides for a city planning commission of three members charged with the duty of preparing a master plan for the city. Changes in the master plan against the recommendation of the commission can be made only by a vote of 12 out of the total of 16 votes on the board of estimate. Construction and maintenance of streets, sewers, and public buildings comprise about all the responsibilities left to the borough presidents, and Mayor Walker charges that paving funds are divided among the borough presidents on a pork-barrel basis. The borough presidents retort that the planning commission will be a super-government set over those who know the city streets better than any city-wide body can. Nevertheless, it seems probable that the planning commission bill will pass the state legislature.

*

Advantages of Voluntary Replatting In an instructive article in this issue of the REVIEW, Messrs. O'Shaughnessy and Cornick relate San Francisco's experience with voluntary replatting as a means of reclaiming land to which the original platting had proved a bar to proper development. The scheme resulted in large savings over the condemnation method. Indeed, the expense of the latter would have rendered any replatting difficult, if not impossible.

The authors recognize the limitations and difficulties in the voluntary method. It means long-drawn-out negotiations with owners. Unless a good percentage of the land is in the hands of one owner or a small group of owners, the flexibility necessary to accomplish an equitable relocation of small holdings is absent. The scheme is not suitable to built-up areas. Finally, the city government must be willing to take the initiative and to conduct the negotiations with great patience and tact.

From conversation with Mr. Cornick we learned other instances of voluntary replatting. Recently the city of Chicago replatted a large area in the heart of the city in connection with the straightening of the Chicago River. The original area of 2,234,930 square feet, appraised at more than ten million dollars, was held by thirteen owners, most of them large railway companies. The river straightening increased the net area by 140,220 square feet, and the appraised value by almost four and a half million dollars. This operation required compensatory payments to the landowners affected.

Another instance occurred in 1916, when Portland, Oregon, replatted a thirty-acre tract divided into forty-five ownerships, three of which had buildings on them. In this case the trustee was compensated for his services by a deed to 28,000 square feet of surplus land which resulted from the replatting.

Other cities whose economic development is impeded by badly platted areas should give serious attention to this method of extricating themselves from their difficulties.

*

Police Court Justice at Home and Abroad We present in this issue two contrasting pictures of police court justice. Mr. Harley writes of the lay magistrates of Birmingham, England. Once a "prerogative of wealth and position," the office of justice of the peace there has become "thoroughly democratized and socialized." The justices are men of standing, remote from politics, who conduct their trials in a dignified manner. Even if entitled to it, few respondents demand a jury trial. Respondents are questioned with patience and consideration. Birmingham's crime record is steadily improving. Its magistrates' courts are typical of those in other English cities.

The scene shifts to Nashville, Tennessee. Here, Mr. Manning tells us, justices of the peace traffic with deputy-sheriffs and constables. They split their three-dollar fees with the peace officers, paying these men, who are entitled in their own right to two dollars for each arrest, an extra two dollars for bringing an accused offender before them. The county judge stigmatizes this practice as "closely akin to the crimes of bribery and extortion." He might have used stronger language without exceeding the bounds of truth. Unfortunately, reform in Tennessee, as in so many states, requires constitutional changes. Because the J. P.'s are so deep in politics, this has been impossible to accomplish. Many of them sit in the legislature; others dictate who shall be elected to the legislature.

Police court justice is beginning to receive the attention it deserves. Surely that convenient stereotype, the average man, will soon understand that conditions in Davidson County, Tennessee, are no worse than in many other places. If you doubt it, read the reports of recent crime surveys. For example, a perusal of the recent survey of the criminal branch of the Toledo municipal court, where the facts revealed are less serious than in many other places,[1] will destroy any lingering doubts as to the character of justice meted out in our minor courts.

American justices of the peace paying two dollars for a chance to take in three are a sad picture of commercialization against the background of the unpaid magistrates as painted by Mr. Harley.

Mr. Harley prescribes a remedy. Why don't the Bar Associations begin to apply it?

*

Federal Government Extends Veterans' Preference Two days before he passed out of office, President Coolidge amended the Harding executive order of 1923, by a new order increasing the veterans' preference provisions of the federal civil service system. Approximately 250,000 persons will become beneficiaries of the new rule. Measured by the workings of veterans' preference in the past, the effect cannot be other than detrimental to the efficiency of the federal service.

---

[1] See NATIONAL MUNICIPAL REVIEW for February, p. 115.

Under the Harding order, veterans, widows of veterans, and wives of injured veterans received a five-point credit on their earned ratings in all examinations. Disabled veterans received a ten-point credit. Under the new order, the ten-point credit for eligible disabled veterans continues, but hereafter they are to be placed at the top of the list and are to be certified ahead of all other veterans and non-veterans, regardless of ratings. Widows of veterans and wives of physically disqualified veterans are now to receive a ten-point credit, to be added to their earned ratings, and will be certified ahead of all veterans not disabled and all non-veterans. This means that disabled veterans, widows of veterans, or wives of incapacitated veterans need receive a passing mark of but 60 per cent, as against a passing mark of 70 per cent required of non-veterans, and 65 per cent required of other veterans not disabled. Veterans, widows of veterans and wives of disabled veterans entitled to preference may not be removed, suspended or reduced in rank or salary if their efficiency ratings are equal to that of any employee in competition with them who is retained in the service.

How the new order will operate will be seen from the results of a survey made by the National Civil Service Reform League in 1921, when the rule was in force that all veterans received absolute preference provided they passed their examinations. The survey showed that for three-fourths of the eligible lists the appointing officer was compelled to skip many non-veterans at the head of the list who would otherwise have been entitled to appointment. Sometimes the appointing official was compelled to skip as many as ten names before he reached the first highest veteran to be employed.

The effect of this extreme preference became so serious during the three or four years subsequent to the passage of the bill in 1919 that in March, 1923, President Harding saw fit to restrict it by the executive order referred to above. For certain groups the Coolidge order restores the earlier provisions. The result will be increased laxity in the performance of public work and increased cost of personal service.

In common with the students of public personnel methods, the NATIONAL MUNICIPAL REVIEW recognizes our government's obligations to veterans and their families who suffered from the World War. But we do not believe that veterans' preference is a proper way to reward them. It places them in a degrading position with respect to others who enter the federal service. It will discourage competition of qualified persons for appointment. The effect on office morale will be harmful. It is a weak and lazy method of recognizing our debt to those who served us in the war. Its baneful effects will be more apparent and serious as time goes on. Our government has been remiss in not working out a policy less expensive to the people and more satisfactory and honorable for the veterans.

IN-JUSTICES OF THE PEACE

BY J. W. MANNING

Vanderbilt University, Nashville, Tennessee

In Nashville justices of the peace have been paying two-thirds of their three-dollar fees to deputy sheriffs and constables as a commission for bringing arrested persons before them. :: :: :: :: ::

MUCH has been said and little has been done regarding the reform or abolition of the time-honored but obsolete office of justice of the peace. A recent controversy between the sheriff and the county judge of Davidson County, Nashville, Tennessee, has brought to light additional evidence that the office of justice of the peace, at least in Tennessee, is a worn-out and useless part of the state's political and judicial machinery.

The Tennessee law states that the justices of the peace may keep criminal dockets and exercise jurisdiction over petty offenses. For all arrests brought before a justice of the peace, the arresting officer legally receives two dollars, and the justice three dollars, and, in addition, the turnkey at the jail receives one dollar for locking up each person and the same for turning him out, together with seventy-five cents a day for board for each prisoner. In Davidson County there are forty-five justices of the peace, fifteen of whom maintain their own courts in the city of Nashville. In addition to the limited judicial functions which these magistrates may exercise, the forty-five in the county compose the county administrative body, designated the Quarterly Court.

FEE SPLITTING COMMON

On January 23, County Judge Litton Hickman and County Attorney Horace Osment of Davidson County addressed a letter to Sheriff Gus Kiger, and a similar letter to all the magistrates keeping criminal dockets in the county, bringing charges of wholesale fee-splitting, in which peace officers of the county, deputy sheriffs and constables, have been exacting and receiving extra fees from the magistrates before whom they have been bringing petty offenders. The county judge called attention to the abnormal activity of the county peace officers in making arrests, resulting in a recent increase of jail fees from $1,600 to $4,800 a month, and contended that the magistrates have been compelled to split fees with the arresting officer, giving him an additional two dollars of his own legal fee, or see the alleged criminal go before some other magistrate who is willing to give the extra fee to the peace officer. The judge, in his letter, warned that such practice is closely akin to the crimes of bribery and extortion.

Sheriff Kiger, in a reply to Judge Hickman, explained that the increase in jail fees was due primarily to the increased activities of the sheriff and his deputies in redeeming his recent campaign promise of ridding the county of bootleggers and gamblers. In regard to the fee-splitting charge, he laid the trouble at the feet of the magistrates, charging that they had entered into direct competition for "business," that they sought to get the arresting officer to bring their cases by offering to split fees. He also stated, "Any deputy of mine who has ever demanded a part of the magistrates' fee will be discharged immediately, whether he actually received it or not, as soon as I learn which deputy it was, and of whom the demand was made."

In discussing the matter, one of the oldest magistrates of the county, in point of service, stated that the fee-splitting custom originated many years ago. He said the practice started when a certain justice of the peace began giving officers the additional fee for bringing arrests to his court. "It was not long until he was getting all the business, and the other magistrates were sitting around idle. So, another one or two of the justices began paying the higher bonus, and we all had to follow, or close our courts. . . . So far as I know," said the magistrate, "no constable or deputy ever demanded such a division. The extra fee was offered, and, naturally, the officers went where they could get it."

With the sheriff's threat to his deputies and the judge's success in exacting a promise from the magistrates that the fee-splitting would cease immediately, the matter is dropped. The question of whether the deputies or the magistrates are guilty is not for us to determine, but we must agree with the sentiment expressed in an editorial in the Nashville *Banner*, that "such performances should be stopped with a suddenness and severity that will jolt everybody concerned into a proper respect for the law and inspire righteous conduct for the future."

A thorough investigation of the matter may afford a temporary relief from such practices, but it would be an easy matter to revive the custom after the public mind had been diverted into other channels. Why not try a more permanent remedy—the abolition of the office of justice of the peace?

STATE CONSTITUTION IMPEDES REFORM

It is a very easy matter to suggest the abolition or reform of the office, but it is an entirely different proposition to bring about this action. The only way a real reform could be brought about is through a constitutional amendment. The Tennessee Constitution of 1870, Article VI, Section 15, states: "The different counties of the state shall be laid off, as the General Assembly may direct, into districts of convenient size. . . . There shall be two justices of the peace and one constable elected in each district by the qualified voters therein, except districts including the county town, which shall elect three justices and two constables." Also Article VI, Section 1 states that "The judicial power of this state shall be vested in one Supreme Court and in such Circuit, Chancery, and other inferior courts as the Legislature shall from time to time ordain and establish; in the judges thereof, and in justices of the peace. . . . Courts to be holden by the justices of the peace may also be established."

The constitution of 1870 has never been amended, despite some two or three attempts. The process of amendment is rather difficult, but it is altogether possible. However, all amendments must originate with the state legislature.

POLITICAL POWER OF THE J. P.'S

According to the best opinion available, Tennessee's failure to revise her constitution has been due to the attitude and power of the justices of the peace. This is the reason suggested by some officials high in state affairs, by a judge in one of the larger counties of the state, by a prominent editor in the state, by several members of the state legislature, and by some justices of the peace who represent the minority view but who see that a revision is needed. The justices fear that either their office will be abolished or their powers will be curtailed by a revision, and on this ground they oppose such a move. Moreover, they are powerful in county politics, not only controlling the local affairs, but practically naming and electing, by their influence, the members of the state legislature, often naming one of their own number to represent the county in the General Assembly.

Recently some interested citizens of Davidson County were talking with three members of the Tennessee legislature, and in the course of the conversation it was suggested that one of the greatest services the legislators could render for the state would be to abolish the office of justice of the peace. The lawmakers replied that their hands were tied, since local justices dictate the election of so many members of the legislature, and since many men who occupy seats in the legislature are justices of the peace in their respective counties.

There seems to be no immediate hope that the local dispensers of justice, or injustice, as the case may be, will be abolished over the state, but there is one ray of hope in Davidson County. An increasing number of men who seek the office are giving their pledge to the people that they will not establish a court if elected, and it is this type of man who is gradually displacing the 1929 model of the mid-eighteenth century squire.

POLICE COURT JUSTICE IN ENGLAND

BY HERBERT HARLEY

Secretary, American Judicature Society

Mr. Harley's article should be read in connection with Mr. Manning's "In-justices of the Peace," appearing in this issue. :: ::

THE ancient office of justice of the peace has been preserved in modern England, even under metropolitan conditions. Once a prerogative of wealth and position, the office has now become thoroughly democratized and socialized. Information on the subject was obtained by the author while investigating the administration of justice generally in the city of Birmingham. What is said of this city, he believes, will apply fairly well to all of England.

MAGISTRATES APPOINTED FOR LIFE WITHOUT SALARY

There are about 150 such magistrates in Birmingham, a rapidly growing city of about one million population. Additions to the force are made each year through appointment by the Lord Chancellor, who is assisted by a committee, and who fills all judicial vacancies in England and Wales. Appointment is for life, and without salary. The fundamental importance of the office and the high quality of the appointees contribute to the honor which attaches to the position. While there is a considerable volume of work to be done, the conditions of service are never onerous, for there is always more than a barely sufficient force. And it appears that there is no individual compulsion to service. The work never suffers from individual disabilities arising from illness or old age.

The justices have a larger jurisdiction in criminal cases than our police court judges. They also control the licensing of places for the sale of liquor and those for amusement—theaters, cinemas, billiard halls and boxing shows. Finally, they administer the adoption of children act and the fund for the maintenance of married women who are deserted or deprived of support by their husbands.

These various functions are aided by committees of magistrates. One committee makes up a rota for service in the police courts, assigning to each of about eighty justices a certain day of each alternate week, so that each assigned magistrate is expected to sit on the bench twenty-six times a year. Judicial work, however, is never performed singly; there must be at least two justices on the bench. Three is the preferred number, but sometimes, in order to employ all who are in attendance, there may be a bench for four. In the rare instances when two or four justices disagree, the case is transferred immediately to another branch.

This arrangement permits of opening two or three courts every morning in the Victoria Law Courts building, where are also the police headquarters and lockup. And in four districts which formerly were independent towns a session of court is held once a week for the disposal of by-law cases only. Ordinarily a justice who finds it inconvenient to attend on the day assigned to him sends word in advance. At ten o'clock those on hand make up benches for two or three courtrooms. Usually the work is completed by one o'clock. There are women justices also, and they preside over the juvenile branch on certain days.

Here it should be noted that there is also one professional police court judge, who, being the only one on salary, is appropriately styled the stipendiary. He is appointed for life from the list of barristers and his salary is £1,200, less income tax. Presumably the stipendiary is expected to try cases involving difficulties of technical law or evidence, but certainly most of his cases are similar to those brought before the lay justices.

Conducting preliminary examinations in the small number of more serious offenses, which may involve a thorough knowledge of criminal law, justifies the employment of an expert on full-time salary.

A competent clerks' staff is provided, some of the minute clerks being solicitors. The clerks interrogate witnesses, subject to occasional questioning from the bench.

Spacious and dignified courtrooms are provided, with a dock in the middle for accused persons, who are admitted by a stairway leading from the floor below where the lockups are located. There are few spectators. Rarely is a prisoner represented by council. Solicitors, it is said, will not defend without a fee, and no provision exists for payment by the state.

FEW REQUESTS FOR JURY TRIAL

Since this court can sentence to six months in prison for each of two offenses, its jurisdiction includes a number of offenses which in our country would require binding over to the grand jury, or to a superior court. In larceny the value of the property is of no moment, so it is possible to dispose of many cases which we make indictable. On the other hand, there is no jury trial in the English magistrates' courts; that is reserved for judges of larger powers who were barristers at the time of their appointment.

It appears to an American lawyer, that, while the use of a jury is undesirable in an inferior court, and might not be adaptable to a bench of two or three judges, its lack would result in a multitude of jury demands, thus making the lower court comparatively impotent. But this is not actually the case. Respondents are rarely defended by lawyers. There is nobody interested in processes of delay. And the fact that the case is to be heard by two or three laymen apparently does, as it properly should, render a jury unnecessary. It is said that demands for jury trial are virtually limited to a few habitual delinquents who cannot be sure of earning a living and so relish a few weeks in jail under the lenient treatment accorded all prisoners not yet convicted.

Only a few offenses are indictable, and in such cases the magistrates examine and hold the accused to the grand jury, which will present indictments at the assizes of the High Court of Justice, held three times a year in Birmingham. At the winter assizes, 1928, there were fourteen cases, but several originated outside the city and five, in which conspiracy was charged, were tried as one.

Cases in the magistrates' courts in which there is a demand for jury trial, and also cases which are above the magistrates' jurisdiction, but are not indictable (such as burglary, arson and aggravated assault), are sent, after preliminary examination, to the Quarter Sessions, a court convened six times a year and presided over by a barrister, sometimes assisted by an associate, who are paid for part-time services.

In the average year the assizes devote about twenty-five days to criminal trials and the Sessions devote from fifty to sixty days. Since there are about 1,400 sittings of the police branches, and about 80 per cent of these are conducted by unsalaried, lay judges, it will appear that the cost of judicial salaries in criminal cases of all kinds in this city of a million is considerably less than the salaries of two judges on full time. But, after all, it is not the economy, but the quality of service performed, that makes the English plan appealing to those who seek better enforcement of law in our cities.

PROCEDURE

There is no room for congested dockets in Birmingham. Sessions of three of four hours result every day in disposing of all pending cases. More important, however, is the fact that there is no pressure or haste. Every case is dealt with deliberately. There is no sense of routine or perfunctory performance. Every case is a separate study.

In nearly all cases the testimony is given by the policeman who has made the arrest. And in most cases the respondent's statement, whether he has pleaded guilty or not guilty, fails to explain his conduct fully. He is questioned patiently and considerately. And in most cases the bench is faced with only one question: What is the judgment best calculated to prevent this defendant from giving further offense?

At this point there is likely to be a whispered conference between the justices. If the respondent appears to be of inferior mentality he will be held a week for a doctor's opinion. If further proof is required he will be remanded for a week. But the right to immediate trial is protected by first obtaining respondent's consent to a remanding order.

In cases observed by the writer there appeared to be a disposition on the part of the court to suspend sentence on a first offender if the facts indicated a likelihood of reformation. There might be an order for probation for a period not less than six months nor more than three years, but this order is sparingly used, as is shown by the fact that of the seven probation officers for the city only two handle the cases of adults.

When a sentence is imposed, whether of fine or imprisonment, it is not trivial or perfunctory. Before sentence the record of every respondent is read. Repeaters are sure to receive a stiffer sentence than before.

LICENSE POWERS

The duty of the magistrates to supervise the licensing of liquor-selling and amusements is directly related to their judicial work. The powers exercised by them create a general responsibility for the state of public morals. In the hands of officers placed entirely above personal and partisan temptations the administration of the licensing law is not difficult. Public houses are licensed for one year and, in acting on the petition for renewal, the magistrates pass upon the facts and render a decision just as they do when on the bench.

There appear to be exceedingly few prohibitionists in England, but the country is being steadily "regulated" into habits of temperance. Public houses are not opened until ten or eleven o'clock, depending upon locality. They close during the afternoon to prevent patrons from neglecting their jobs. And they close early at night. The domestic tax on beverages is so heavy that drinking is discouraged, especially of distilled liquors, and these are of a greatly reduced alcoholic content.

It might appear that retail selling is unprofitable in the few hours permitted for business. On the contrary, a license confers a valuable franchise. Competition is limited, both through reduction of licenses and through control of the number of houses in any neighborhood, so a dealer is sure to make the business pay fairly well and to secure renewal of his license if he obeys the law. Meanwhile he has an easy life with exceptional social advantages.

The magistrates acquire information about the effects of liquor-selling and amusements in the courtrooms, and as dispensers of licenses they are able to impose restraint where called for.

SUCCESS OF BIRMINGHAM JUSTICE

The importance of the inferior criminal courts cannot be overstated. They constitute society's first line of defense. Society endeavors to impose a discipline which is difficult for the weaker element to live up to. Infractions are inevitable. It is of the utmost consequence, then, that an intelligent, high-minded, humanly experienced magistracy be provided to observe, counsel, study and punish delinquents. Almost all serious offenders begin with small offenses. The first screening is of vital importance. The keeping of accurate records of all delinquents, with constant reference to these records, is essential. Approved and final adjudication on the first day following arrest is desirable. The personnel and standing of the magistrates should be that of the best citizenship so that offenders will realize that they are being accorded the treatment which represents the crystallized experience and sentiment of society in its entirety.

After what has been said, however brief, it is hardly necessary to add that, in the writer's opinion, the Birmingham magistracy is the most perfect piece of administrative, or judicial, machinery for its purpose that he could conceive of. He can think of no way of improving it, and considers that its recorded results fully justify this estimate. Although Birmingham has grown rapidly, incurring all the problems inseparable from metropolitan government, its record for crime steadily improves. There was a slump in the few years following the war, with industry in confusion and several millions of young men suddenly released from military discipline. In the past few years, however, crime records are more favorable than before the war. There is still too little employment, which especially oppresses those of mental, moral and physical inferiority, the same class that furnishes nearly all of the arrests.

So the people of Birmingham have grounds for their buoyant feeling about criminal law enforcement. They record one, two or three murders a year, and in some years there is not a single case of robbery.[1] The police force is of normal size, numbering about 1,500, but of course it is responsibly managed. The patrolmen have but one boss and but one controlling thought. So long as they do their duty faithfully and tell the truth they have nothing to worry them.

The work of a police magistrate is essentially unpleasant. Nobody is going to engage in it at all unless he is well paid, compared with what his time would command in other lines of endeavor. Lawyers especially cannot perform this work without losing professional caste. We have tried in some cities to reward honest service with substantial salaries, as much as $11,000 per annum being paid. The effect of this, unfortunately, is to attract the candidacy of a number of lawyers of mediocre standing and strong political attachment. The voters are naturally unable to distinguish between candidates, and there is a genuine danger that the police court judge who best performs his duty will be defeated for reëlection. As long as we have the popular election of such officials for short terms these dangerous limitations are absolutely unavoidable.

The appointment by a high authority of a sufficient body of lay magistrates with guaranteed tenure insures a high average of performance. The appointees will not all think or act alike. Difference of temperament should be actually valuable. By sitting in pairs or small groups the wisdom, as well as the weaknesses of the magistrates, is averaged. The matter of salary is not unimportant. To pay a moderate salary would be to deprive the officials of the high honor of the office, which, with their appreciation of the significance of the work, is their ample reward. And the avoidance of salary permits of the use of a large number, so that the work is not onerous, but rather an interesting and proud avocation. By adding from year to year a sufficient quota the consideration of old-age disability is avoided. Any true estimate of the situation as observed in this one city would justify bestowing upon the holders of this office, which with us is one of disrespect and nauseous details, the title of elder statesmen. The most personal contact of government with the individual, the one which more than any other calls for good sense, steadiness and open-mindedness, and upon which rests so largely the superstructure of justice—the center arch of government—comes in the police and police court functions. Are not, then, the citizens who give of their time and their wisdom to this work practical statesmen?

WHAT U. S. COULD DO

We can do the same thing in our cities, and in our small towns as well. It would probably be necessary to alter a few mistaken words in a state constitution, but to make any considerable improvement along the line where we have so signally failed would require as much, and it should be easier to command public attention for this plan than for the proposal that a few professional police court judges be appointed rather than elected. The politicians will line up against either proposal. We have the analogy of citizen service on school boards and library boards and our experience in these fields would convince the general electorate.

---

[1] A more complete description of the Birmingham magistracy, with tables showing the number of offenses, appeared in the *Journal of the American Judicature Society,* April, 1928. Copies obtainable from the secretary, 357 E. Chicago Ave., Chicago.

In our country many of the very men and women who would best make up a local magistracy because of their attainments and their understanding of the significance of the work, are obliged to squander their time, energy and spirit in a hopeless attempt to force efficient performance by a magistracy which has more than one interest and more than one boss.

HOW CINCINNATI'S NEW GOVERNMENT IS IMPROVING CIVIL SERVICE MORALE

BY R. O. BECKMAN
Director of Personnel, City of Cincinnati

Cincinnati is paying attention to morale with resultant benefit to her people. In some respects government is at a disadvantage in factors which assist morale. :: :: :: :: :: :: :: ::

Editor's Note: — Address before the midwestern conference of the Civil Service Assembly of the United States and Canada, February 15, 1929.

Few things are more intangible and more loosely defined than "morale." For our purpose, the term may be understood to mean a particular code of ethics—more specifically the ethics of coöperation—as developed within a given organization. You may call it what you like, *esprit de corps*, the spirit of cohesion, the spirit of unity, or morality in relation to one's employment. In popular conception, the term loyalty is almost synonymous. By improving morale, we mean, therefore, the inculcation in a group of individuals of a desire to do that which is right, that which is just, decent, and honorable as far as their employment is concerned. Morale thus involves allegiance to an ideal.

OLD ATMOSPHERE ANTAGONISTIC TO MORALE

In Cincinnati during the past two years, we have given thought to the importance of morale. In a city administration admittedly as run down as was ours before the advent of the city manager form of government, the development of a new attitude towards their work on the part of the city employees presented manifest difficulties. The city hall atmosphere was essentially a political one, a considerable number of employees were of the species known as "bolivars," salaries were low and unequal as between persons performing the same type of work, inefficiency was commonly accepted and expected, and nowhere was there much of an incentive to constructive accomplishment. The selection of Col. C. O. Sherrill as city manager in itself precipitated a change. A man of forceful and dynamic personality, his energy and enthusiasm were soon transmitted to his department heads and to employees of the rank and file. There was no wholesale "chopping off of heads," but all employees were given a chance to retain their places, improve their opportunities, and develop their latent capacities. As an army man, Colonel Sherrill knew the importance of morale. He took kindly to suggestions for the development of an *esprit de corps* on the part of the city's employees.

We believe that some progress has been made under the aggressive leadership of the city manager, but we have by no means solved the problem. Perhaps the best that can be said is that we do recognize the factors involved and are on the way. Let me briefly outline some of the considerations which we are bearing in mind and some of the things we hope to accomplish. We believe they are all concerned with morale.

CLASSIFICATION, EFFICIENCY RATINGS, DISMISSALS

There is no more fruitful source of dissatisfaction among employees than discrimination in the matter of classifying positions and assigning rates of pay because of political favoritism, or because of the absence of a definite plan or program. One of the first steps, therefore, taken some eighteen months ago, served to iron out inequalities as far as the classification of positions and compensation rates were concerned. We now have a satisfactory classification of positions into which the employees have been grouped. We have adopted a standard scale of salaries in connection with which the incumbent of a given class may advance from a minimum to a maximum salary for the particular type of employment involved. The wage level may not be as high as it should be, but it is at least fairly comparable with the rates of pay prevailing outside the city service.

Considerable time has been spent on the development of a service or efficiency rating plan by which each employee is graded twice a year by his supervisors. The plan serves to place employees on their mettle, since they realize that salary increases are dependent upon a satisfactory rating, and that if prescribed standards are not maintained they may be discharged. There are indications that department heads and employees no longer regard efficiency ratings as a "lot of hooey," but that they regard the plan as a practical measure for increasing efficiency and developing a work interest.

The civil service commission, to which discharged or suspended employees may appeal if they feel they have not received a square deal from the appointing officer, probably has the confidence of the employees and citizens in general to a larger degree than any previous commission. Its members are men of unusually high standing in the community. Although reinstatements of dismissed employees have been ordered in but a very few instances, appellants very generally feel that the commission will give them a fair and impartial hearing.

WORKING CONDITIONS—PROMOTIONS

Attention has been given to working conditions, hours of work, vacations and sick leave. Hours of work formerly varied widely, and there were no standard provisions relating to vacations or sick leave; standard regulations for attendance control now apply to all departments and discrimination has been eliminated. Another important feature in morale is the establishment of a pension or retirement plan.

Members of the fire and police departments have had a pension plan for many years. A statistical survey of the situation as it relates to other employees of the city has just been completed under the direction of the city manager, and it is hoped that a satisfactory retirement plan for all city employees may be adopted next year.

The civil service commission has endeavored to broaden the opportunities for promotion within the city service, although it has insisted on a rigid demonstration of fitness before promotions are approved. Promotions were formerly confined to a given department, but we are endeavoring to increase the number of promotions across departmental lines. The opportunity for transfer from one department to another is an important factor in morale, since certain employees whose services are unsatisfactory in a given department may be more suitably placed in another. Opportunities for transfer are, unfortunately, infrequent, but whenever an employee is improperly placed, or whenever a department head is dissatisfied with an employee, efforts are made to obtain a more suitable place. When employees reach the limit of their opportunity in the city service we are glad to assist them in finding employment on the outside. Only recently I furnished a large corporation with the names of certain employees for whom there seemed to be little further opportunity within the city service.

In order that the services of faithful employees may be recognized and public attention called to the obligation which the city owes to those who have conscientiously devoted themselves to its interests, the city manager has arranged to present engraved certificates of meritorious service to employees who have been with the city for ten years or more. Recognition of worthwhile achievement of this kind ought to prove an important stimulant to loyalty.

Workmen's compensation and safety has been given consideraton by the personnel office. By centralizing reports of accidents and following up the claims of injured workmen an effort is being made to expedite the payment of claims and to provide such additional relief as may be needed through the department of public welfare. Group meetings of employees engaged in hazardous occupations are held in connection with a municipal safety campaign, and safety posters are displayed on bulletin boards in appropriate places. It is hoped that the safety program may serve to impress particularly the unskilled workers with the fact that the city is interested in their welfare.

Last fall an extensive municipal exposition illustrating the numerous activities of the various city departments was staged in city hall. More than 50,000 visitors became acquainted at first hand with the work of the city and its employees. The exposition undoubtedly served to stimulate the interest of city employees in their work.

SOCIAL ACTIVITIES

The social aspect of morale has not been overlooked. A municipal employees' recreation association was organized; this group conducts inter-departmental athletic matches and has staged dances, parties, and a picnic. An informal luncheon meeting of department heads is held each week at one of the clubs of the city, thus affording an opportunity for desirable social contact on the part of this group. Junior executives and supervisors of the city have been organized into a group which meets once a month at a dinner meeting; this is devoted either to a discussion of inter-departmental operating problems or to an address by a speaker of note.

The administrative code of the city provides that the director of personnel shall be accessible to any employee who shall desire to complain regarding any condition incident to his employment. In furtherance of its desire to maintain cordial relations with the employees of the city, the personnel office sends out a letter of welcome or congratulation to each new appointee to a city position, in which he is urged to confer with the office at any time regarding his work.

These, then, are some of the considerations affecting morale to which we are giving thought in Cincinnati. Many of them have been commented on by Professor White in his admirable study of employment conditions in Chicago made in 1925. Among them are the desire for justice and a square deal, the desire for recognition, the psychology of personal loyalty, the importance of working conditions, sociability, and vocational adjustment.

The most important consideration affecting morale in a business or commercial organization is, of course, that of competition. Unfortunately there is relatively little opportunity in the public service for the influence of this stimulus, except perhaps as comparisons may be made between different municipalities. This competition should be further encouraged.

THE COMPONENTS OF MORALE

The satisfaction of accomplishment is one of the most important bases of morale. We have perhaps accomplished a little something worth while in Cincinnati, but to my mind we cannot truly foster morale in our city, in a governmental organization anywhere, or in commerce and industry, unless we effect a fundamental change in our philosophy of life. There can be no morale until the rank and file of city employees—and industrial workers generally, as far as that is concerned—change their allegiance from the foolish cult of happiness to that of skill and workmanship. Most of us seem to believe that success in life means a kind of beatific "happiness." We think that the end and aim of life—the purpose of human destiny—is a "soft job" or, still better, an independent income to be expended in the pursuit of pleasure. But the progress of civilization does not lie in that direction. The true value of life resides inside, and not outside, the day's work—not in the satisfactions that can be obtained from the wages of labor, but in the performance of labor itself. Morale, ethics, and morality must grow from the kernel of the world's work.

Every man, it is said, should have the right to work, although nowadays as we perceive the long line of jobless men, willing and anxious to do anything, who crowd the corridors of our employment offices, I sometimes question whether this gospel is but a mockery.

But just as important as the right to work is the right to skill. For our present discussion, skill is all-important, since its development and coöperation spell the birth of morale. Without some kind of skill to exercise, man remains half-grown, undeveloped, existent only. Furnish him with skill, train him for an occupation, give him opportunities for perfecting himself in his chosen work, and you give him that which makes him master of his fate and captain of his soul. An initial objective in our path towards the improvement of morale must therefore be proper vocational placement. We need more vocational guidance in our schools and our employment bureaus, and we must seek more accurate placement of our employees. We should provide further training opportunities so that these employees, when once appointed, may further develop their skill. We must encourage them to seek further education and specialized training. We must give them an opportunity for self-expression. Until these are done no employer has met his obligation to his employees.

THE RIGHT TO RESPONSIBILITY—INDIVIDUAL INITIATIVE

Another right which I consider inherent is the right to responsibility. All too many employers and supervisors insist on keeping their grip on all authority and a multitude of routine details. Jealously they fear to entrust an ounce of responsibility, encouraging an attitude of dust-eating dependence rather than self-respecting independence on the part of their assistants. Understudies should be sought and trained rather than feared, yet any one of you civil service executives knows of a dozen positions in your own city that could be filled only with tremendous difficulty because some obstinate old fossil has refused to pass on the specialized information he has absorbed to a younger man who might some day succeed him. Every executive should, within reason, take his subordinates into his confidence and give them that broader prospective needed to appreciate the "why" and the "wherefore" of things. The development of self-expression and skill warrants the entrusting of responsibility to those who are able to assume it.

Industry is more fortunate than the public service in affording opportunities for individual initiative. The method of popular representation on which the structure of our government is grounded is badly adapted for dealing with the complexities of modern business organization and management. It is quite as rational to govern our cities through elective officials and council committees as it would be to operate a fast mail train with a committee of the passengers. The city manager plan recognizes this weakness of democratic machinery and definitely fixes the responsibility upon a trained executive. The recognition of this principle as it affects the chief executive of a city should find ramification down the line among subordinate supervisors and the rank and file, and responsibility should be imposed where it can be met.

In approaching the question of morale let us then concede the right to skill, the right to responsibility, and the need for the adoption of a philosophy of craftsmanship on the part of those engaged in the public service. One of the most significant and hopeful phenomena in government today is the presence in every municipality and state of men and women who, consciously or not, have adopted these ideals. They demonstrate that they can be relied upon in positions of trust without being watched, spied upon or guarded. The employees—and citizens—most needed are the men who accept a vocation and carry on its attendant work with the utmost skill within their power. We can recruit more of their kind and develop morale only by emphasizing the habit of mind and the philosophy that I have here outlined.

THE MANAGER PLAN APPROPRIATE FOR COUNTIES

A REJOINDER TO KIRK H. PORTER

BY ROWLAND A. EGGER
The University of Michigan

In our January issue Dr. Porter threw a wet blanket upon the manager plan for counties. Mr. Egger does not see it that way. :: ::

THE arguments of Dr. Kirk H. Porter against the county manager plan, advanced in the January issue of the NATIONAL MUNICIPAL REVIEW, while doubtless quite relevant to the organization of local rural government in Iowa, seem to this writer erroneous as general principles of local administration, and hardly applicable to conditions throughout the United States.

Dr. Porter's indictment of the county manager plan in its application to American local governmental units proceeds, as I understand it, somewhat after this fashion: Counties are not natural administrative areas; they were, for the most part, laid off by legislatures with the aid of compass and ruler. Cities, on the other hand, being created at the behest of their inhabitants, do represent unified areas. The manager plan presupposes the existence of functions so intimately related as to lend themselves to unified administration. Cities have functions of this sort; counties, to the contrary, exercise functions which are partly local, partly state, and partly unclassifiable. From the four premises of this double syllogism, Dr. Porter concludes that the success of the manager plan as applied to cities is not a legitimate argument for its extension to counties.

IS MANAGER PLAN INCONSISTENT WITH STATE SUPERVISION?

The *pièce de résistance* of the entire treatise, however, is concerned with the relation of the manager idea to state centralized administrative control. Centralized administrative control, a desirable tendency in contemporary local government, is rapidly increasing. The creation of a county manager system would tend artificially to unify an administration which is not susceptible to logical unification, and would vitalize an appropriately innocuous area of local government. Hence, the county manager plan is undesirable.

For the purposes of this discussion we may well eliminate the urban, or largely urban, county; students of metropolitan government substantially are agreed that the most practical, and indeed the only feasible, solution of this problem is the federated region, similar to that created for London and Berlin, proposed for the cities, boroughs, and townships of Allegheny County, Pennsylvania, and permitted under the 1927 charter of Alameda County, California. To areas such as these there can be no question as to the applicability or desirability of the manager plan. Dr. Porter concedes this fact, but objects to the application of the manager principle to rural, or largely rural, counties.

The most important argument which Dr. Porter advances in his case against the county manager plan—its incompatibility with a desirable development of state centralized administrative control—is open to serious question. While the success of a given plan in one country is not conclusive evidence of its applicability in any other, conclusions drawn in the absence of an investigation of foreign experience are scientifically premature. And Dr. Porter's chief argument is not substantiated by European practice or experience.

GERMAN EXPERIENCE

The rural communes of Prussia, which are areas most nearly analogous to our own rural counties, while not administered by an official designated as manager, are governed by officers whose positions are sufficiently analogous to illustrate the point. The communal director is chosen by the common council,[1] and is charged with the enforcement of higher laws and administrative orders, the resolutions of the council, supervision of local financial activities, the appointment of all officers which the common council decides to establish, and the performance of numerous related functions. He is in direct charge of the assessment and collection of taxes.[2] It is a matter of common knowledge that nowhere has state supervision and control been more highly developed than in Germany, and particularly in Prussia. The fiscal activities of the commune are subject to the scrutiny and control of the superior authorities,[3] the decisions of the common council may be suspended or annulled by the *Kreis* authorities, and disciplinary action may be pursued against the communal director and his advisers for non-compliance with higher orders or for dereliction of duty.[4]

The local rural government of Württemberg, as far as unified administration is concerned, is even more directly in point. The administrative organ of the Württemberg commune is the communal director, popularly elected for a term of ten years.[5] The election must receive the approval of the central authorities, but such approval cannot be witheld except for reasons specified by law.[6] The communal director is charged with the preparation of the agenda of the communal assembly, the summoning of the assembly, the conducting of its sessions, the direction of its discussions, the issuance of orders in conformity with its decisions, and the supervision and control of the execution of such orders.[7] "He directs and supervises the entire communal administration, particularly the management of communal property; he handles personally all current business, or sees to it that it is cared for by other officers. He manages the local police according to the provisions of the law, maintains public order, supervises the officers and employees of the commune, looks after the publication of laws and general orders, and cares for any local business of the state and district administration which is not given over to other authorities."[1] As in Prussia, the fiscal activities of the commune are subject to scrutiny, review, and investigation by the higher authorities.[2] Documents and offices may be examined, officials may be compelled to appear and give information, and acts of the communal council may be suspended or even annulled.[3] It is an interesting commentary upon the German practice to note that, of the important states of the German Reich, Bavaria and Baden alone have a collegial administrative organization for their units of local government. Hesse and Saxony provide approximately the same machinery as Prussia and Württemberg.[4]

---

[1] *Landgemeindeordnung für die sieben östlichen Provinzen,* Sections 74, 75 and 84. *Gesetz Sammlung,* 1891. (The German material contained herein has been verified and summarized from Blachly, F. F., and Oatman, M. E. *The Government and Administration of Germany,* Chapter X. It is in substantial agreement with the *Handwörterbuch der Kommunalwissenschaft* and other authorities consulted.)

[2] *Ibid.,* Sections 88, 90, 91 and 140.

[3] *Ibid.,* Sections 119 and 120.

[4] *Ibid.,* Sections 139 to 145.

[5] *Gemeindeordnung vom 28 Juli,* 1906. Article 55, *Regierungsblatt,* 1906.

[6] *Ibid.,* Article 56; also *Verordnung des Staatministeriums betreffend bei Überweisung der Geschäfte der Kreisregierungen an andere Behörden, vom 26 Marz,* 1924. Section 6. *Regierungsblatt,* 1924.

[7] *Gemeindeordnung, lex cit.,* Article 63.

FRANCE AND ENGLAND

The complete centralization of administrative control in France is a matter of too common knowledge to merit extended comment here. It is interesting to observe, however, that "the mayor alone is charged with responsibility for the administration" of the affairs of the commune.[5] And the commune is, in France, preponderantly a unit of rural local government. The abolition of even the remotest vestiges of self-government in Italy under Mussolini is also a matter of general knowledge; he has not, however, found it necessary to weaken local administration through the division of its executive.

England in spite of an ostensibly plural administrative organization for its rural areas, is in fact centralized and unified. Administrative functions, and the responsibility for the performance thereof, increasingly have been vested in a single officer, the paid parish clerk. This has doubtless been due to the legal prohibition of the employment of more than one paid official.[6] Nor is the county the decentralized unit which its extensive committee organization would indicate. Investigation has revealed that the clerk of the county council is, in many instances, a very close approximation of our proposed county manager, as far as method of selection, control of, and responsibility for administration are concerned.[7] It is also true that central administrative control has been far less satisfactory in England than in either Germany or France.[8] While unquestionably there have been influences other than a slight administrative deconcentration possible under collegial organization, such deconcentration evidently has not contributed a great deal to the success of centralized control.

ARE COUNTIES ARTIFICIAL?

Dr. Porter mentions, but does not press, the fact that counties are essentially artificial units. It must be admitted that there is a good deal of merit to this argument. The question of what constitutes a logical administrative area is yet unanswered. Alameda County, California, and Allegheny County, Pennsylvania, recently have decided that they may be administrative areas for some purposes and not for others. London and Berlin preceded our American urban areas to the same conclusion by several years. If our areas of local rural government were to be subjected to the same close scrutiny and careful analysis there would doubtless arise the same inability to formulate a categorical definition of a logical administrative district. The primary consideration is a purely practical one—that of administrative convenience. The fact that a county may not be such a district is not a legitimate excuse, in the face of the impossibility of territorial readjustment, to refuse attempts at administrative rationalization.[1] Again, the German and French local rural areas are in the same predicament as far as territorial maladjustment is concerned, as our own. They are areas quite as artificial, and were formed by methods quite as arbitrary as those utilized in the determination of the metes and bounds of our own local rural areas. Such maladjustment would seem, then, not to be an insuperable obstacle to comparatively efficient local rural administration.

---

[1] Blachly, F. F., and Oatman, M. E., *op. cit.*, p. 340; also *Gemeindeordnung, lex cit.*, Articles 63 and 163 to 166.

[2] *Gemeindeordnung, lex cit.*, Articles 115 to 161.

[3] *Ibid.*, Article 186. Article 187 as amended by the Law of 1924, Section 6, *Regierungsblatt*, 1924.

[4] *Landgemeindeordnung, Gesetz vom 8 Juli*, 1919. Article 91.

[5] *Loi municipale du 5 Avril*, 1884. Article 82. Arnoux, V., and Rome, J., *Nouveau code des municipalites.*

[6] See "Parish and District Councils," *Fabian Tract No. 62*, p. 8.

[7] See I *Minutes of Evidence of Royal Commission on Local Government*, 77. Evidence of Mr. Gibbon.

[8] See Griffith, Ernest, *Modern Development of City Government*, 2 vols., *passim*.

It is important to remember also, in connection with state centralized administrative control, that the functions thus far centralized in the United States have been so treated for purely utilitarian purposes, because of the peculiar interest which the state, as such, has in a particular local activity. Assessment for taxation, roads, and health are adequately illustrative; the modern development of science and industry has outrun the imagination of our governing bodies, and we are but slowly centralizing functions which that development has demanded be centrally administered. This centralization has involved no fundamental alteration of our political theory, or of our conception of the appropriate sphere of action of the county, which has always been at variance with judicial opinion on the subject. But when the increased activity of all governmental agencies is considered, state centralized control has not actually resulted in an appreciable diminution of the functions performed by our counties. All of our governmental units are doing more, and accretions on the one hand more than compensate for encroachments on the other. County libraries are becoming commonplaces, county planning is developing, and there is little indication that our counties have reached the maximum of the functions which might be performed with a rational and responsible administrative organization.

ARE COUNTIES BOUND TO DECLINE?

The complete assurance of Dr. Porter with reference to the decline of local self-government raises other questions. Chief among these is the desirability of increased state centralized administrative control in the face of the complete lack of integration in our state governments. The problem becomes more than an academic one when its implications are fully realized. There is no guarantee at the present time that the various state departments will exhibit any degree of coördination in their policies. They are headed by independent officials, and the governor is simply *primus inter pares*. A student of local government is hardly able to regard with equanimity a proposal to increase central administrative control when its implications are potentially so disastrous to our local areas. It is nothing less than rational to demand that coherence and continuity of administrative control be provided before our counties are so blandly dispossessed of their historical prerogatives; the problem must be solved at its source.

---

[1] "I am not going to take up the question of the consolidation of counties, but later I will take up the question of the improvement of town and county government." Roosevelt, F. D., "Smith Plan Will Not Be Pressed," *New York Times*, January 12, 1929, 2.

Granting the completion of the movement at present on foot toward the integration of state government, it is safe to affirm that no one now is rationally opposed to the development of state centralized administrative control. If the European experience is at all indicative, however, there is nothing inconsistent in the existence of unified local administration and central administrative control side by side. It is conceivable, of course, that central control might proceed beyond a point which would permit the efficient functioning of a unified local administration. I am, for my own part, not unduly impressed with the necessity immediately for preparing for such a situation. Our counties are now, and seem likely for some time to remain, areas primarily of local self-government rather than administrative subdivisions of the state. If administrative control is not incongruous with the high degree of unification found in Europe, there is certainly nothing inconsistent in such unification and the mild variety of state supervision with which we are at present acquainted in this country. Meanwhile, there remains the phenomenon of a headless county government, blundering, wasteful, inefficient, and oftentimes corrupt, distrusted by the people, and consequently denied the performance of functions which perhaps more logically belong to it than to the state. The implication is neither subtle nor involved.

SAN FRANCISCO'S SUCCESS WITH VOLUNTARY REPLATTING AS AN AID TO CITY PLANNING

BY M. M. O'SHAUGHNESSY
City Engineer, San Francisco

AND

PHILIP H. CORNICK
National Institute of Public Administration

Infinite patience plus tact and good judgment bring successful coöperation of property owners in replatting two areas where bad planning was marring the city's development. A suggestion for other cities.

PRACTICALLY all cities are in need of city planning, a large number of them are talking about it, and a few are actually doing something about it. As a rule, the tool which is resorted to for the purpose of bringing about actual changes in existing street plans is the right of eminent domain. It is undoubtedly effective. In some situations, furthermore, it is the only means by which a municipality can get new streets for old. Unfortunately, its use is so cumbersome, costly and painful, that it is employed only under circumstances in which the urgency of the need for relief outweighs the difficulties and expense involved in providing that relief. In locations where immediate action is less imperative, the evil day is postponed until changing conditions amend the situation by substituting "must" for "ought."

San Francisco has recently taken time by the forelock in wiping out the existing street plans and substituting better plans for them in two fairly extensive parts of her area. In both cases, not condemnation but voluntary replatting by the owners themselves was the method employed. In each case, furthermore, there were not simply two or three owners whose rights were involved, but scores. The success which attended the efforts in these two cases warrants the belief that the method is adaptable for use in a reasonably wide range of circumstances.

PERTINENT FACTORS IN THE GENERAL PLAN

Why did San Francisco feel called on when she did to assume the initiative in correcting the errors in street plans which these two areas in particular had inherited from the past? An answer to this question is essential to the proper evaluation of the usefulness of the method elsewhere. That answer can be made fairly apparent by indicating the manner in which topography, economic factors, the former blind adherence to conventional patterns of street design, and the final emergence of conscious planning have combined to form the city which exists today.

The narrow peninsula at whose northern tip San Francisco is located is dominated by an irregular range of hills near its center, culminating in the Twin Peaks which stand some nine hundred feet above sea level. For obvious reasons, the first permanent settlement took place between the northern foot of these peaks and a point on the low-lying shores of the bay near where the Golden Gate cuts through to the Pacific. As the community grew, the tidal lands along the bay were reclaimed and the waterfront was developed with publicly owned docks. The railways also, whether they pushed their way up the peninsula from the south or obtained access by means of ferries from the mainland east of the bay, established their rights of way and terminals on the northeastern side of the peninsula.

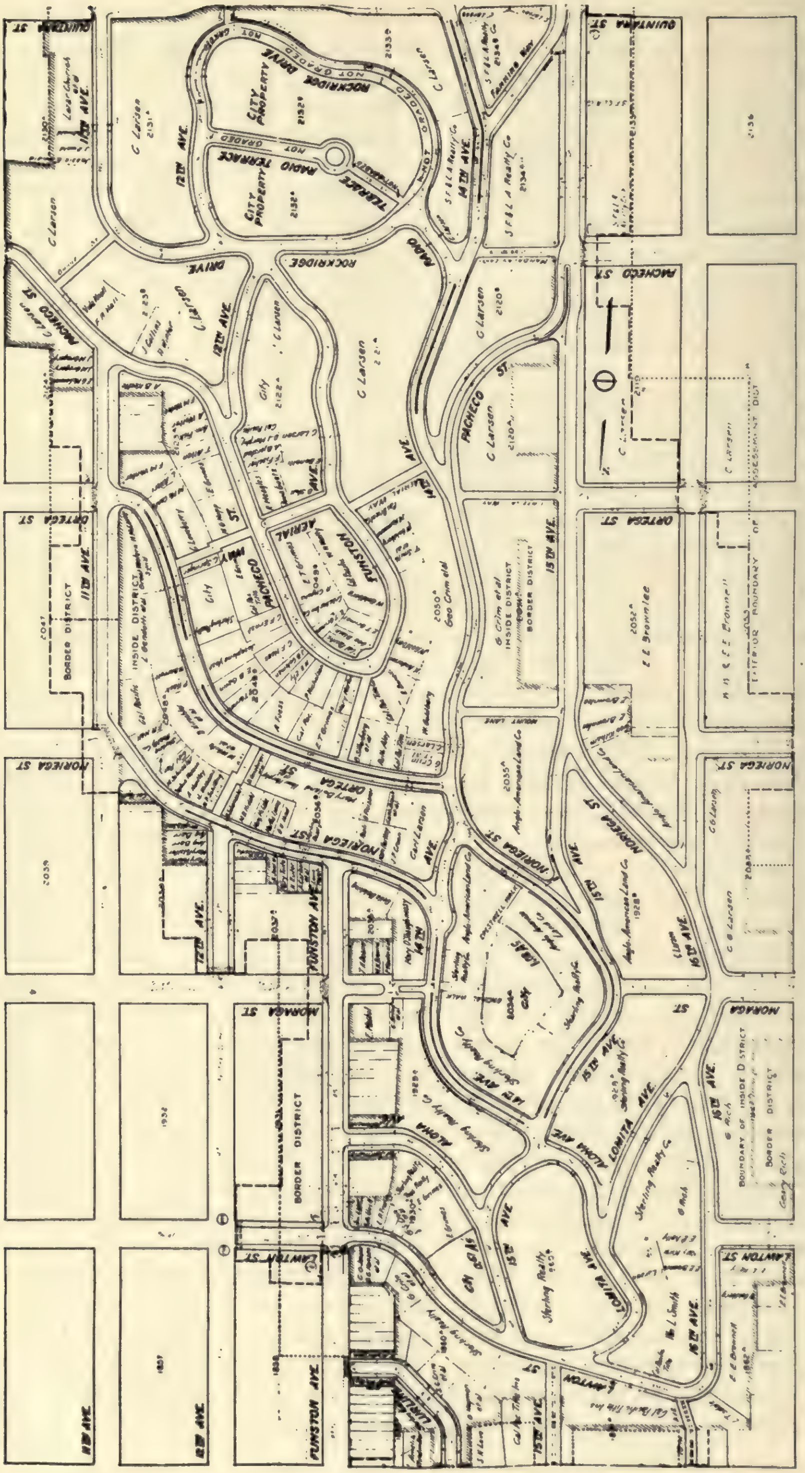
In short, a natural zoning dictated by topography took place. Business centered along the level lands flanking Market Street—the original highway connecting the early settlement with the first permanent landing place. Residences spread out over the contiguous areas north and south as fast as means of access could be provided. Industry and commerce concentrated in the fringe along the bay shore served by rail and water-borne transportation facilities. Because of the narrowness of this fringe at its northern extremity, the logical direction for future expansion was toward the south.

A city plan dictated by topography alone, of course, can never be entirely free from conflicts and objectionable features. Conscious direction became necessary not only to preserve and improve the plan which had already evolved but also to guide the future growth of the still undeveloped sections of the city lying along the rugged shores of the peninsula on the west. Those lands, logically, were zoned for residential uses and for recreation, and as one of the factors essential to their development, a scenic highway was constructed along the full length of the city's frontage on the Pacific. Except where the property held by the federal government for military purposes intervenes, this drive has been completed at intervals also along the crests overlooking the Golden Gate, and it is hoped eventually to extend it eastward all the way to the bay.

At this point a sharp conflict developed between the new comprehensive plan and the commercial expansion of the city. Industry, instead of growing toward the south where there was abundant room, showed a marked tendency to push out into the narrow fringe lying between the hills and the shore line on the north. The southerly expansion had been checked for some reason at Islais Creek, an arm of the bay. The lands there presented no problems in reclamation which had not been solved previously in connection with the development of the tidal lands north of that point. Upon investigation, it became evident that the obstacles had been created simply by the manner in which a considerable percentage of the Islais Creek area had originally been subdivided.

For example, one area of fifty acres in that vicinity was covered by what was known as Gift Map No. 4 which had been filed in 1861. The tract—all of it at that time subject to the ebb and flow of the tide from the bay—had been divided into lots 25 feet by 70, fronting on 40-foot streets. Many of these lots had been used as prizes in lotteries and in various sales schemes, the only cost to any grantee being $10 for the deed and the notary fee. Through these devices the ownership of the tract had been widely disseminated. The situation was further complicated by the facts that flagrant errors had crept into the original surveys and that Islais Creek had meandered in the meantime, with the result that all of the lots to which titles were on record could not be fitted into the tract.

This situation had defied the best efforts of private individuals to untangle it. This fact accounted for the ever increasing tendency of the ex-


QUINTARA ST.
PACHECO ST.
ORTEGA ST.
NORIEGA ST.
MORAGA ST.
LAWTON ST.
11TH AVE.
12TH AVE.
FUNSTON AVE.
14TH AVE.
15TH AVE.
16TH AVE.
ROCKRIDGE DRIVE
RADIO TERRACE
NOT GRADED
CITY PROPERTY
AERIAL WAY
LOMITA AVE.
ALOHA AVE.
INSIDE DISTRICT
BORDER DISTRICT
BOUNDARY OF INSIDE DISTRICT
INTERIOR BOUNDARY OF ASSESSMENT DIST.
C Larsen
City

Map of New Contour Streets Replacing Former Gridiron in Golden Gate Heights, San Francisco

Three new city parks, covering almost seven acres, were created as by-products of the replatting.

panding industries to push out northward and westward along the curving shore line toward the Golden Gate—a tendency which, if unchecked, would have had a catastrophic effect on the plan for preserving unmarred the impressive natural beauty of that section. The gift maps of 1861 had precipitated a crisis which their promoters had neither foreseen nor intended.

Meanwhile, another similar problem had already forced itself on the attention of the city's administrators. The growing population had spread out over all the readily accessible parts of the peninsula, but the Twin Peaks, with the long ridges buttressing them, formed a barrier which shut off the southwestern section of the city's area from residential development. Since 1917, the city has driven two street railway tunnels through the intervening ranges so as to connect the heart of the business district with the previously almost undeveloped areas lying between the Pacific Ocean and the Twin Peaks.

A street system of the conventional gridiron pattern to which San Francisco had been committed throughout most of its area since the early days of American occupation had previously been dedicated in that area, and a number of lots had been sold off to investors and speculators. Unfortunately, the gridiron had been projected on a map without regard to topography. Over the greater part of the area west of the peaks, the system was adequate, but in one region known as Golden Gate Heights, its results were little short of absurd. Any attempt to develop that section along the lines of the dedicated streets would have involved grades ranging between 25 and 43 per cent, and cuts as much as 92 feet deep. Potentially, the heights constituted one of the most desirable residential neighborhoods on the entire peninsula, since almost every lot had a panoramic view stretching on a clear day from the Farallone Islands twenty-five miles out in the Pacific on the west, to the Golden Gate on the north with Mt. Tamalpais in the background. Even if the city had been willing to assume the entire cost of grading the streets laid down in the dedication map, the resultant steep grades and deep cuts would have destroyed any potential values inherent in the site. Here, again, an unimaginative street plan had prepared a Gordian knot for city planners of a later day to unravel. The problems which the original subdividers had left for solution by others in the remote future had been precipitated into the immediate present by the newly created accessibility which was soon to be conferred on the subdivision by the street railway tunnels.

In both these cases, condemnation, if it could have been utilized effectively at all, would have involved prohibitive expense. Those charged with the duties of planning for the city's welfare were, therefore, restricted in their choice to two alternatives. They could sit back and do nothing, blind to the havoc in the city plan which would follow such inaction; or they could take the leadership in effectuating a voluntary replatting on the part of the owners themselves. The latter course was chosen. The costs, the methods employed, and the results which followed in each case are set forth below.

THE GOLDEN GATE HEIGHTS' PROJECT

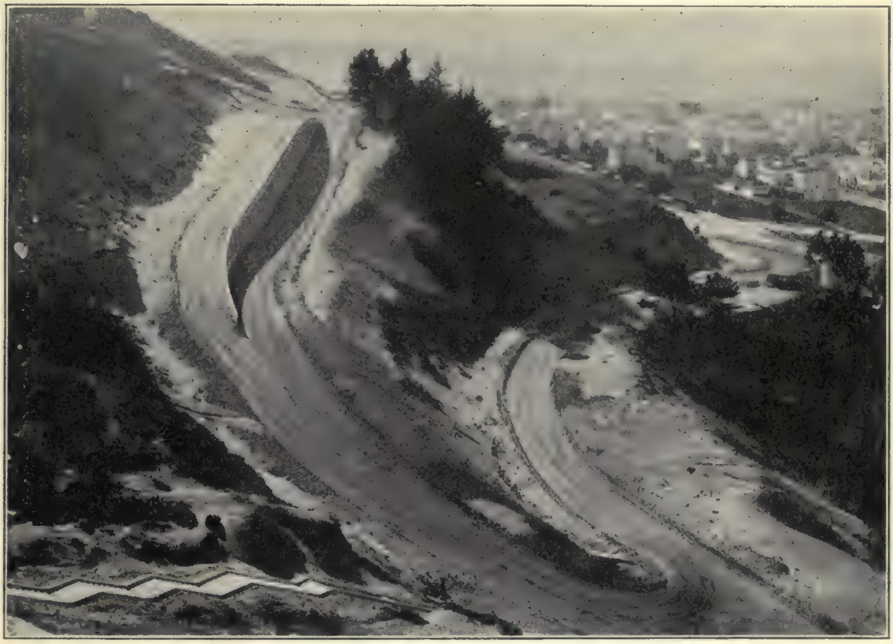
The plan for the correction of the anomalous situation in Golden Gate Heights had been discussed for many years but had its practical inception in March, 1917—just a few months prior to the completion of the Twin Peaks street railway tunnel—when the first survey notes for a contour map of the section were completed by the city engineer's office. On the basis of these notes, a relief model of the tract was made on a horizontal scale of 100 feet, and a vertical scale of 40 feet, to the inch. On this model both the existing gridiron streets and the proposed new contour streets were shown. The area affected by the proposed replatting contained approximately 115½ acres, included 29 of the old rectangular blocks, and involved 134 separate ownerships.

After the preliminary studies and exhibits had been completed by the city engineer's office, a series of conferences with property owners was undertaken. To reënforce the lessons conveyed by the relief model, the attention of owners who were doubtful of the wisdom of the change was called to the objectionable results in many of the older sections of the city where rectangular gridirons had been superimposed on high-rounded hills. Chief among the examples cited were Rincon Hill, near the eastern water front, and Russian Hill, east of Van Ness Avenue, where abrupt changes in street grades have destroyed the utility of potentially valuable business property. Fortunately, seven owners held practically 60 per cent of the property affected. This fact introduced an element of flexibility in the inevitable give and take between individual holders which was essential to the success of the project. After much study and many conferences, a plan to make transfers from the old lots to new ones was formulated at a property owners' meeting in 1921.

It was agreed that the details of the procedure should be handled by an established title company. Bids were asked for, the lowest being that of the California Pacific Title Insurance Company, which offered to report on the existing titles to all property, to act as agents for the individual owners, to act as trustee for the project as a whole, to pass on the validity of all necessary acts and proceedings, and to prepare such conveyances, reconveyances, agreements, mortgages, deeds of trust and releases as might be necessary. The aggregate fee for these services amounted to $5,350, or $5 for each individual lot contained in the original subdivision. Under the trust agreement, all of the owners with one exception voluntarily conveyed their holdings to the title company. In the case of the remaining owner, who positively refused to participate in the replatting, his property was acquired by the city under threat of a condemnation suit. Finally, in August 1923, a map for the resubdivision of Golden Gate Heights was filed, and the new contour streets were accepted. In the curved street plan, the impossible grades inherent in the original layout were replaced by maximum grades of 12 per cent, making every lot in the subdivision available for comfortable use.

The expenses of the engineering studies and of conducting the preliminary negotiations had, of course, been borne by the city at large. Leaving out of consideration the indirect benefits which always accrue to a city as a whole as a result of successful attempts to increase the utility of any part of its area, San Francisco also received direct and immediate returns for the expenditure incurred. The new street plan occupied a considerably smaller percentage of the total area than the old, the free surplus developed by the replatting amounting to approximately 3 per cent of the total area which was affected by the project. A part of this surplus was consumed in the compromises incident to the relocation of private holdings, but the residue, amounting altogether to 1.69 acres, was concentrated in the replatting on two outstanding eminences, which are now city parks. In addition to the parks acquired in this manner, the city also converted the lands which it had acquired under threat of condemnation into a park containing 5.11 acres.

Since the acceptance of the new street plan, the 4½ miles of main streets have been graded and macadamized and the necessary retaining walls have been provided. Concrete steps on the twenty-two stairway streets have been completed. The entire cost of this work—approximately $450,000—has been borne by the benefited property owners. The sewer system, which is nearing completion, is being provided at the expense of the city. A street railway line four blocks north of the tract provides direct connection with the heart of the city through the Sunset tunnel. Within the limits imposed by an ordinance of the city planning commission, which restricts the use of the lots to single family residences, the future of the section is in the hands of the individual owners. From the character of the dwellings which have already been erected, it appears probable that this subdivision, utterly useless in its original form, is destined to become one of the city's finest home sites.



An Example of the Topography in Golden Gate Heights

ISLAIS CREEK PROJECT

The Islais Creek project as a whole involved more than simply replatting. In order to escape certain provisions of the political code of the state which placed specific restrictions on the powers of the city and county of San Francisco with reference to the creation of reclamation districts, the Islais Creek Reclamation District was set up by special act of the legislature in 1925. The act itself designated three commissioners, established the boundaries of the district so as to include about 280 acres, and vested in the commissioners the powers requisite to planning and construction, and to financing by special assessment.

Plans have been adopted by the district for constructing seawalls and sewers, dredging a channel and turning basin, and raising the grade of the tidal lands and the streets serving them. The estimated costs—about $1,600,000—have been assessed against the lands in the district and confirmed by approval of the board of supervisors of San Francisco, district bonds are soon to be issued, and contracts for the work entered into.

It was essential, however, that Gift Map No. 4 be replatted before any other part of this work could be undertaken. The legislature conferred no powers on the district governing body in this respect beyond stating that it might obtain the right to fill the lands in private ownership or within the street lines, "by purchase, by agreement with the owners thereof, by condemnation or other legal means." Three factors, however, combined to pave the way for this necessary replatting: first, the district was required to obtain the consent of the city before filling any street to the established grade and before changing any such grade; second, the city engineer had been designated as one of the three commissioners in the original enactment; and the district engineering staff was composed of members of the city's engineering personnel. In short, the responsibility for this part of the work was shifted from the district to the same office which had just completed a similar project.

The experience which that office had gained in the voluntary replatting of Golden Gate Heights led to the adoption of the same basic method which had been employed there. A title company was employed to serve as trustee, the individual owners deposited their deeds in the hands of the trustee, the old streets were closed and new ones opened. Then the title was cleared, and deeds to the rearranged parcels protected by title insurance were delivered to the owners. Because of the reduction of street area as a result of the replatting from 18½ to 13½ per cent of the total area included in the gift map, ample room was found for the location within the tract boundaries of the excess lots which had been responsible for much of the trouble in the original layout.

Certain devices designed to speed up the work were employed in this project. In addition to the single proposition laid before the owners in the Golden Gate Heights' subdivision—that of allowing their property to be relocated—two additional choices were offered. Two of the larger owners offered to buy any one of the 594 lots included in the gift map at a flat price of $200. Any owner who thought this price too low was then given the right to buy at the same price of $200 per lot, as many more lots as he already owned, on condition that he then submit both his old and his new holdings for relocation. Only one owner took advantage of this last offer.

If any individual owner threatened to upset the success of the voluntary replatting, the threat of condemnation was resorted to. This could have been made effective only by the device of rerouting a proposed new street through the property of the recalcitrant owner. Fortunately for the success of the plan, condemnation proved unnecessary in any case. As a result of the offer on the part of two of the owners to buy, one thing of special importance in an industrial area was accomplished which was not achieved in the case of the residential subdivision previously described. The original 594 parcels, belonging to 63 owners when the project was initiated, were reduced to 41 parcels in 28 ownerships when the relocated titles were issued.

CONCLUSIONS

Does the successful application of the method in these two projects in San Francisco justify the conclusions that city planners generally can include voluntary replatting among the recognized tools of the profession? The answer is undoubtedly in the affirmative, but with several qualifying reservations.

In the first place, the method can be used successfully only in areas which are still entirely, or at least largely, undeveloped. In the second place, it is highly desirable, if not absolutely essential that one landowner, or a group working in close coöperation, shall control a large enough part of the total area involved to provide the elasticity necessary for the equitable relocation of all small holdings. Finally, some department of the city government must be in position to take the initiative in the long-drawn-out negotiations, and to provide the tact, the patience, the persistence, and the technical skill requisite to their successful consummation.

Given these conditions, there is no doubt that voluntary replatting can be employed with less expense and with greater fairness to all concerned than either limited condemnation or excess condemnation. Reënforced by the power to condemn the holdings of such obdurate and uncompromising individuals as will always be found in any large group, the method is undoubtedly an effective means for the removal of conditions growing out of past mistakes which today stand in the way of proper development in many of the outlying sections of our larger cities.

OHIO APPRAISES ITS REORGANIZED STATE GOVERNMENT

BY HARVEY WALKER
Ohio State University

In 1921 Ohio adopted the principle of administrative consolidation by reducing the number of separate state agencies from sixty-three to thirty-two. Now she surveys it to know what changes, if any, should be made. On the whole consolidation seems to be working satisfactorily. :: :: :: :: :: :: :: :: :: ::

THE Ohio General Assembly in 1927 felt that a sufficient length of time had elapsed since the adoption of the 1921 Administrative Code to warrant an appraisal of its accomplishments. Accordingly, an interim committee was named to conduct an investigation of the administrative offices of the state. An appropriation of twenty-five thousand dollars was made to defray the cost of the work.

Ohio's Democratic governor, Vic Donahey, vetoed the appropriation, probably because of his fear that a committee appointed by a Republican legislature would give little commendation to a Democratic administration. As the committee was about to abandon its task, the Ohio Chamber of Commerce offered to endorse the committee's note to secure the necessary funds from private sources. With this endorsement, the committee borrowed $17,500 to pay the cost of making the investigation, feeling that the next general assembly would make the necessary appropriation.

When funds were assured, the committee employed Griffenhagen and Associates, Ltd., to conduct the investigation as the committee staff. This work was completed in September, 1928. The staff report to the committee was then revised in the light of suggestions from public and private sources and from the members of the committee, and prepared for publication.

As finally published, the report consists of seven small pamphlets, one on each major group of state activities, as follows: I. General Administration, II. Finance and Taxation, III. Agriculture, IV. Education, V. Public Welfare and Health, VI. Commerce and Industry, and VII. Public Works and Highways. Each pamphlet presents the factual material gathered by the staff, followed by the recommendations of the committee. Reports are presented on each agency of the state government and on many of the administrative problems encountered during the survey. The recommendations of the committee are set forth in four groups following each report: recommendations for administrative changes; recommendations for legislation; recommendations for the guidance of the appropriations committees; and recommendations for constitutional amendments.

RECOMMENDATIONS FOR STRUCTURAL CHANGES

The reorganization of 1921 reduced the number of separate administrative agencies of Ohio from sixty-three to thirty-two. Eight functional departments were set up: finance, commerce, highways and public works, agriculture, health, industrial relations, education, and public welfare. The remaining twenty-four agencies included the institutions of higher education, military department, civil service commission, etc. Amendments to the administrative code, passed in 1925 and 1927, separated the tax commission from the department of finance, the public utilities commission from the department of commerce, and the department of highways from the department of public works. These acts increased the number of separate agencies from thirty-two to thirty-five.

The report of the committee recommends the setting up of two new administrative departments: public safety and conservation. The department of public safety would be assigned the duties now performed by the prohibition commissioner, part of the duties of the state fire marshal, the registrar of motor vehicles and the department of highways, and would in general have powers and functions of a state police force. The department of conservation would take over the functions of the division of fish and game from the department of agriculture, and other conservation activities affecting natural resources.

Many bureaus and divisions are recommended for abolition. These include: the prohibition commissioner; the divisions of food and dairies, publicity, and crop and livestock estimates in the department of agriculture; the state library; the fire marshal; the commission for the blind; and the offices of director of commerce and director of industrial relations. With the exception of the legislative reference division, the state library would be consolidated with the library of Ohio State University. The duties of the state fire marshal would be transferred largely to the division of factory and building inspection of the department of industrial relations. The industrial commission would be made the head of the department of industrial relations, acting through an executive secretary, and a board composed of the heads of the five bureaus of the department of commerce would act as the coördinating agency for that department, insofar as such coördination is found desirable.

Internal reorganization is recommended for the departments of education and public welfare. Under the administrative code these internal changes can be made by the director of the department without legislative action.

The committee recommends the substitution of boards for single heads in the departments of education, public welfare, health, and commerce. These boards are to be unpaid, with overlapping terms, with power to choose the director of the department. In the case of the department of commerce, the board would be ex officio, and there would be no director.

RECOMMENDATIONS ON PERSONNEL POLICY

The resolution under which the committee was appointed provided that "Such survey shall be made with the purpose of standardizing and consolidating positions and establishing schedules of compensation in conformity with the duties and responsibilities involved." Although the committee gathered data upon which a new classification and compensation plan could have been based, the limited time and resources prevented its utilization. These data have, however, been turned over by the committee to the civil service commission. The committee's report expressly enjoins upon the civil service commission a completion of this task. An appropriation to the commission for this service is also recommended.

Pending the adoption of a revised compensation plan, the committee has made several recommendations for salary increases for certain classes of employees which appear to be grossly underpaid. These include the guards at the penal institutions, some of the members of the institutional instructional staffs and certain technical employees.

The powers of the civil service commission extend to county as well as state offices. Up to the present time, however, the commission has been unable to perform its duties with respect to the counties, because of inadequate appropriations. The committee has recommended that the commission be empowered to charge against the counties the cost of such service.

The revision of the state civil service law and the rules of the commission are suggested. In connection with such a wholesale change, the committee recommends that the whole list of exemptions from the classified service be brought under review and materially reduced.

RECOMMENDATIONS ON FINANCE AND TAXATION

The state organization for financial control includes ten different administrative units. Of these three are identical in personnel: the board of control, the emergency board, and the sundry claims board. They are composed of the chairmen of the legislative finance committees; the governor, who is usually represented by the director of finance; the auditor of state; and the attorney-general. The committee recommends that these be consolidated into a single board of three, to be called the state board of finance, composed of the two finance committee chairmen, and the director of finance.

The function of investing some of the state's trust funds is imposed by law on the treasurer of state. The huge funds maintained by the teachers' retirement board and the industrial commission are invested by those bodies. None of these agencies has an experienced investment officer. It was felt by the committee that this important investment function should be centralized. Accordingly it was recommended that it be combined with the functions of the present state board of deposits, which designates depository banks for state funds, in a new board to be called the state board of investment. The personnel of the board of deposits, which now includes the treasurer of state, the auditor of state and the attorney general, would be changed by dropping the auditor and attorney general and adding the director of finance and the superintendent of banks and banking.

Ever since the passage of the Administrative Code in 1921, there has been a confusion of function between the state auditor and the director of finance. The report of the committee points out that this can be avoided by a recognition of the difference between accounting and auditing. A transfer to the director of finance of all accounting functions, except those which must be kept by the state auditor to enable him to control appropriations, is recommended.

The powers of the director of finance under the Administrative Code are ample, but the possibilities of the office have never been developed. The committee's report points out numerous administrative changes which should be made in the conduct of this office, as well as in those of the subordinates of the director such as the budget commissioner and the superintendent of purchases. There has never been an intelligent revision of budget estimates. There has been no control of budget encumbrances. There is little or no coördination of expenditures with revenue. Several important departments are exempted from the jurisdiction of the purchasing division. These would all be corrected.

Fully one-third of Ohio's annual expenditures are made from blank appropriations of revenues. A recommendation is made that this practice be discontinued and that all fees be paid into the state treasury for the benefit of the general revenue fund, the legislature making appropriations for the total needs of the departments. Any excess revenue for a specific purpose under existing law would be made available for the use of the department only upon showing of necessity before the board of finance.

The change to a January 1 fiscal year was made in 1925, and the 1927 general assembly made appropriations for only an eighteen months' period. One of the principal recommendations of the committee affecting financial procedure is for the return to a fiscal year beginning July 1. The legislature which is now in session was confronted for the first time with the necessity of passing an emergency appropriation bill so that the wheels of the state might turn until the regular bill should be passed. Naturally no adequate consideration could be given to the measure, which carried a total appropriation of more than $20,000,000. If a change is made at this time, the bill for this session will carry appropriations for a two and one-half year period.

RECOMMENDATIONS ON DEPARTMENTAL ADMINISTRATION

Numerous recommendations for administrative changes in departmental operation are made in the report. In many cases possible reductions in personnel are pointed out. Several administrative problems, such as that of prison population, student fees, reducing expenses of training students, prison industries, and care of the insane and feeble-minded are discussed in detail.

RECEPTION OF THE REPORT

Although the report of the committee has only come from the press during the last few weeks, vehement protests have been heard from the departments which have been recommended for abolition or reduction in personnel. The reaction of the members of the general assembly has, in general, been favorable. Most of them are reserving judgment until interested organizations have an opportunity to express themselves. The governor has been silent. The members of the committee, which include the speaker of the house and the chairmen of the finance committees of the two houses, have aroused sentiment in favor of many of the recommendations. It seems probable that a portion of the recommendations for legislation will be enacted into law during the present session.

The department heads have been very receptive to the suggestions for administrative changes. As a matter of fact, on the basis of the tentative draft of the report, when the department directors were called in for consultation, several of them indicated that the recommended changes had been made or would be carried out before the report was published.

HIGH SPOTS OF GOVERNORS' MESSAGES

BY RALPH S. BOOTS
University of Pittsburgh

Thirty-nine state legislatures meet this year. Brief excerpts from the many pages of advice and exhortation measured out by the chief executives to the legislative bodies. :: :: :: :: :: ::

THESE executive papers, or "essays," as one newspaper somewhat disparagingly dubs the local governor's effort, are, in the main, not unfairly described as routine performances. Nothing sensational or original is proposed. "Although conscious of the fact that the message of a retiring governor is not expected to be seriously considered, yet I trust you will bear with me while I comply with the duty imposed upon me in directing your attention to several matters of interest and importance to the state." Although no governor used just these words, they are words which many governors might have used if they had been perfectly frank with their constituents.

Most governors deprecate "politics." Governor Gardiner of Maine is more honest: "Frankly, we are all politicians here, selected by the ordeal of primary law and the trial of election. There may be some with ambition for retention or advancement in office. In lieu of platitudes, suffice it to say that the best way to play politics is to do what is right."

In the field of taxation and finance, relief for real property is the burden of many messages. An income tax is recommended in Illinois, South Dakota, New Hampshire, West Virginia, Nebraska, and, for temporary use, in Michigan. In Idaho, intangibles, nonessentials, and automobiles are proposed as new sources of revenue; in South Dakota, taxes on luxuries, amusements, occupations, sales; in Tennessee, taxes on malt beverages (it is reported malt syrup is to be taxed in Iowa, Nebraska, South Dakota), process syrups, amusements, bartering and selling as a gainful pursuit. The governor of Wyoming commends a half-mill intangibles tax to the lawmakers' attention, and Nebraska's executive proposes to tax intangibles at the average rates applied to farm property. "Reconstruction and reorganization of the whole system of government from top to bottom" is the suggestion for reducing taxes in North Dakota. Of course, the joker in the tax-reduction game is that when some are relieved, others must pay. The third study of taxation since 1921 is submitted noncommittally and rather hopelessly to the Oregon legislature.

HIGHWAYS

The most common proposal here is an increase in the gasoline tax, from which seem to come the "most feathers with the least squawk." The governors of Illinois, Indiana, Nebraska, North Carolina, Tennessee, Kansas, Minnesota, and Montana look hopefully to this source. In half a dozen states the Solons are urged to do something for "secondary," "farm to market," "farm to farm" roads. Governor Small of Illinois would extend hard roads to every city and village in Illinois, although his successor, Governor Emmerson, notes that only $6,000,000 of the $160,000,000 borrowed have been repaid. Protection of the highways from abuse receives attention in Iowa and Illinois; the licensing of operators in Delaware, Michigan, Nevada, Idaho, and Tennessee; reexamination of operators at intervals in Massachusetts (with an inspection of the car), Connecticut and Michigan. Pennsylvania and Iowa governors ask the state to take over bridges and city streets which constitute parts of state highways. There is an increasing tendency toward centralization of supervision, control, and construction. Only Delaware's governor has anything to say about the signboard: "Highway advertisement, a business which entirely derives its life and subsistence from the public's investment in motorized highways, should be subjected to state regulation."

STRUCTURE OF GOVERNMENT

Centralization of financial control or stricter central control is suggested in New Hampshire and Maryland (in both in part because of recent unfortunate experiences), Montana and Delaware; the consolidation of responsibility for revenue collection is stressed in West Virginia, Pennsylvania, and Utah. Governors Gore and Moody, of West Virginia and Texas, respectively, call for the short ballot; administrative reorganization is especially urged in Wisconsin and Texas, and favored in other states. Wisconsin and West Virginia executives wish the executive budget. Civil pensions are approved in California and Delaware, the merit system in Texas, Utah and Missouri (only partially in the last two); centralized purchasing in Delaware, Missouri, and Wisconsin.

COURTS, LAW ENFORCEMENT, AND PRISON ADMINISTRATION

For some reason, prohibition is specifically referred to in only five states, perhaps because it may be unloaded on the national government for a while, or perhaps because of recent contentiousness.

The Connecticut legislature is asked to repeal "statutory crimes which have become archaic." Governor Green of Michigan finds the most difficult of his duties is that of deciding questions of pardon and parole and Governor

Horton of Tennessee spends half his time in this work. Governors Caulfield of Missouri and Christianson of Minnesota point out how inadequate are their powers of enforcement, the latter declaring that there is no agency of state government, not a single investigator, upon whom he may call, even if he knows by whom the laws are being violated. Reform of criminal procedure is advocated in a few states, especially New York.

ELECTIONS

Some aspect of elections is touched upon in sixteen messages. One finds the circle completed in Illinois where the governor wishes constitutional amendments printed on the general ballot so that people will vote on them. Governor Leslie of Indiana would partially restore the convention, though retiring Governor Jackson sticks to the primary. Kansas voters should select directly delegates to national conventions and express a choice for the party candidates, thinks Governor Reed. Permanent registration is commended in Missouri and Ohio. The "inadequate, contradictory, and in part obsolete provisions" of New Jersey's election law should be rewritten, says Governor Larson. Improvements in corrupt practices legislation are favored in Nebraska, New York, Utah, and Wisconsin; the Massachusetts ballot in Utah; the Australian ballot and retention of the primary in North Carolina; better devices for determining contested elections in Missouri and Tennessee. Governor Bulow would simplify the South Dakota primary, Governor Johnston end the "organized forgery factories" in Oklahoma, and Governor Fisher throw safeguards around the ballot box in Pennsylvania.

EDUCATION

In Arkansas, Arizona, Michigan, Missouri, North Carolina, Rhode Island, Texas, Vermont, West Virginia, and Wisconsin, governors are concerned over the inequality of educational opportunity and the unfairness of school tax burden as between urban and rural areas. Large school units are called for in several states, and a stricter accounting for school monies in others. Governor Bulow of South Dakota wishes the legislature to find out why it costs so much more to educate a student in the state institutions than in denominational colleges. He seems to cast a critical eye at university salaries.

LOCAL GOVERNMENT

Governor Young would concede greater home rule to California counties, or merge their governments with those of central cities; Governors Hamill of Iowa and Caulfield of Missouri would study plans for the reorganization of county governments; Governor Roosevelt of New York would overhaul county and township government as state government has been overhauled; Governor Allen of Massachusetts would assist municipalities toward more economical and businesslike administration, through a central administrative agency; and Governor Christianson of Minnesota shows how local governments could reduce costs, by consolidation of counties, centralized county purchase of school supplies, coöperation of counties with townships in road machinery and engineering service, and the maintenance of budget systems.

PUBLIC UTILITIES

Power development and utility regulation receive little attention. Governor Roosevelt announces a determination to retain title to the sources and constant control of power generated. He places little confidence in regulation by public service commissions, and asks: "Shall the state produce the current, shall the state build the distribution system, shall the state actually deliver the current?" Governor Reed of Kansas would use the whole force of his office to secure favorable rates and service for the shippers and consumers of his state. Both he and Governor Moody of Texas believe economies of production have reduced costs to utilities which should be passed along in lower charges. Governor Weaver of Nebraska urges the moral responsibility of the state for the deficit in the bank guarantee fund and pleads that its fame be kept unsullied.

The governors do not profess to be able to do much for the farmers, unless by the reduction of taxes. Iowa's executive makes large recommendations in the realm of national power, such as tariff and stabilization corporations.

An encouraging note in welfare work comes from Massachusetts: "In the field of prevention of mental disease this commonwealth has attacked the problem to a greater degree than any other and the results obtained warrant continuing this program vigorously. Already it is apparent that the state is reaping the benefits of this work. While the net increase in the number of patients under care in many states during the last year has more than doubled, that in Massachusetts has remained about the same." By itself, of course, this proves little or nothing.

In each of four states, 1,000 measures were passed at the last session of the legislatures; California was one, surpassed in legislative productivity only by North Carolina and Florida.

This is what Governor Richards thinks of the South Carolina legislature: "Annual sessions are not only demoralizing to the interests that are already established, but the uncertainty of our legislative policy is not encouraging to those from without who are seeking homes and investment."

RECENT BOOKS REVIEWED

URBAN SOCIOLOGY. By Nels Anderson and Eduard C. Lindeman. New York: Alfred A. Knopf, 1928. Pp. 414.

Oswald Spengler has said that "the city also, like the peasant's hut, has its roots in the soil." The truth of this statement must be granted both as to the substratum on which the city everywhere is builded, and as to the great hinterland from which it draws its sustenance, and continually replenishes its population. In view of this fact it is a happy combination which brings to the preparation of one of the first systematic treatises on "urban sociology," an author whose main emphasis for a number of years was in the field of rural social problems, to be associated with one whose major interest has all along been the study of the city.

For the past decade or two there has been a steadily growing amount of work on the city. A great deal of this contribution has come from one fountain source. For the past few years, the University of Chicago has put a large part of the resources of its Department of Sociology into an intensive study of the tremendous city in which it is located.

The volume under review concerns itself with four main queries: (a) What are the structural characteristics of the modern urban community? How does it appear as a social form? (b) What functions are performed by its inhabitants? In what sense are these activities sociologically significant? (c) In terms of social end-products, what sorts of personalities and groups characterize urban life, and in what sense are these social ends departures from the rural cultural pattern? (d) What forms of social control are evoked by the impact of the urban environment?

The volume undoubtedly merits the appreciation of those who have projected or planned organized courses in the field of urban sociology. It is set in a matrix of accepted current social theory. It sifts rather well the large amount of literature on urban communities, and therefore constitutes a comprehensive approach to a division of sociology, now just rising above the horizon. The topical arrangement and the projects and questions for discussion adapt the text to successful teaching. Moreover, in spite of the fact that the "general reader" is not catered to, the city manager and other urban officials who must give study to their problems and the thoughtful citizen will find the book interesting and profitable reading. It is easily the best volume on the subject in this country.

WILSON GEE.

University of Virginia.

*

A GUIDE FOR PREPARING ANNUAL POLICE REPORTS (Tentative Draft). By the Committee on Uniform Crime Records of the International Association of Chiefs of Police, 261 Broadway, New York City, December, 1928. Pp. 24.

According to the foreword, this pamphlet is a by-product of the committee's work on the development of uniform crime records. Certainly no group is better qualified for such a task, and that there is a great need for such a guide is evident to anyone who has ever attempted to make an appraisal of police work from police statistics as they are now commonly reported.

The committee does not recommend complete uniformity in the preparation of the police report, but it does make clear that certain types of information are uniformly desirable. The guide divides the subject matter into two parts. The first part is devoted to subjects which are considered essential for any police report and recommends statements or tables covering the following seven features: introductory statement; strength and distribution of force; offenses known to the police; persons apprehended; lost, stolen, and recovered property; miscellaneous services; and buildings and equipment. Perhaps the most important feature is represented by the method for compiling "offenses known to the police." Persistent neglect of this subject in police reports has been one of the chief grounds of criticism in the past. This guide meets the issue squarely, and provides a means not only for reporting such fundamental sociological data, but also the manner in which the police have dealt with them.

Part two describes briefly several other fact-statements which would serve to make a more complete picture of police services, yet are not considered as coming within the sphere of minimum requirements. This part includes such items as: daily average strength of police force, offenses by day and month, comparative rates for major offenses, and per cent cleared by arrest, etc.

This guide is well written and its use is made clear by explanations and sample tables of statistics. There exists no longer any excuse for unintelligible reports emanating from police departments.

C. E. Ridley.

February 5, 1929.

◆

The Government and Administration of Germany. By Frederick F. Blachly and Miriam E. Oatman. Baltimore: Johns Hopkins Press, 1928. Pp. xiv, 770.

Contemporary Municipal Government of Germany. By Bertram W. Maxwell. Baltimore: Warwick and York, 1928. Pp. 162.

Blachly and Oatman's *The Government and Administration of Germany*, published by the Institute for Government Research, is the first of a series of studies which have as their commendable purpose "to describe and evaluate the administrative systems of the chief countries of Europe." It is based both upon original source materials and upon the personal observations and interviews of the authors. The primary emphasis of the work is upon administration—central, state, and local—but necessary information relating to politics and the governmental system generally is not narrowly excluded.

After a short historical introduction, four chapters are devoted to the relations of the *Reich* and states; the *Reichstag* and *Reichsrat;* the president; and the cabinet. The exact departmental organization of the national administration is then described in detail. Of special interest to the student of finance are the eighty pages devoted to the public finance of the *Reich*. Chapter IX on state government and administration is largely a pioneer undertaking. Hitherto there have been almost no comparative studies, either in German or in English, of state governmental institutions. The chapter on local government and administration is also well done. Here, however, more space should have been allotted to such matters as the merits and shortcomings of the principal forms of city government, the struggles between counties, cities, and rural communes over annexations and boundary changes, and the important rôle of administrative committees in the actual work of administration. Other excellent chapters are those on public officers, the administration of justice, and administrative courts. Particular branches of administration such as police, education, public utilities, etc., are also considered. Appended to the volume is an English translation of the German constitution and a very elaborate critical bibliography of almost seventy pages.

The major criticism which the reviewer would make of this book is that, in setting forth at great length the law of administration, insufficient attention has been directed to the actual practice of administration. For example, in a number of places, the authors speak briefly of political parties, but they fail to bring out clearly the inner relationships between "politics" and administration. Has the "spoils system" tended to develop in post-war Germany? How much influence does the *Beamten* element exercise upon the organization, programs, and activities of the political parties? What is the rôle of the civil servant as member of the city council, state legislature, or *Reichstag?* These are questions affecting administration and should have been specifically answered.

Such criticisms, however, as the reviewer has made are of small consequence when the volume is considered as a whole. It is a fine piece of scholarship, clearly written, amply documented, and well proportioned. *The Government and Administration of Germany* is indeed a notable contribution to the literature of comparative administration.

Contemporary Municipal Government of Germany aims to cover no such broad field as Blachly and Oatman have done. This monograph presents a concise picture of German city government today and of the most important changes which have taken place since 1918. Among the topics discussed are the relation of the city to the state, the electorate and political parties, municipal legislative and executive organization, police, finance, and municipal enterprises, *ad hoc* bodies, the various leagues of municipalities and organizations of city officials, the governments of Hamburg, Bremen, and "Lubeck" (*sic*), and the proposed national municipal code, an English translation of which is printed as an appendix.

Professor Maxwell's study contains much valuable information and to some extent is based upon researches and observations made by the author while in Germany. On the other hand, the brevity of the book is its chief weakness. The twelve chapters average only about eleven pages each in length. Of municipal socialism, the writer says (p. 91), "There is perhaps no field of activity where the city uses its power to such an extent as in the field of economic-commercial enterprises." Thereupon, the whole subject is discussed and dismissed in a chapter of two and one-half pages. In addition to a considerable number of typographical and other minor errors there are doubtful statements of fact. On page 30, it is erroneously stated that no national legislation on the subject of schools has been enacted. Having witnessed at first hand various German campaigns and elections, the reviewer dissents from the following propositions (p. 43): "Now, as before the Revolution, the municipal parties in Germany are far from being as well organized as the municipal parties in the United States. . . . There is nothing to remind one of the American system of campaigning."

In spite of these shortcomings, *Contemporary Municipal Government of Germany* is a very good summary and will be welcomed by students and teachers of comparative city government.

Roger H. Wells.

Bryn Mawr College.

*

Financial Statistics of Cities Having a Population of over 30,000: 1926. Department of Commerce, Bureau of the Census, 1928. Pp. 505.

This valuable document offers this year precisely the same classification of information as the 1925 volume. Three additional cities have been included, so that the total number of cities reported in the 1926 volume is 250. The new cities that have qualified are Miami and St. Petersburg, Florida, and Union City, New Jersey. Some slight changes in the cities comprising the several groups are also evident. Washington, D. C., and Milwaukee, for example, are now listed with the cities of Group I, making a total of 14 cities in this group with a population of 500,000 and over. The report for 1926 also presents for the first time financial date relating to the city and county of Honolulu, Hawaii.

The 250 cities with a population of over 30,000 contained in 1926 35.7 per cent of the entire population of the nation. Their revenue receipts totalled $2,738,961,362; the governmental-cost payments $3,052,645,496. Taxes supply 69.5 per cent of the total revenue receipts; special assessments, 7.5 per cent; fines, forfeits, and escheats, 0.7 per cent; subventions, etc., 4.9 per cent; highway privileges, rents, and interest, 4.6 per cent; earnings of general departments, 2.6 per cent; earnings of public service enterprises, 10.3 per cent. A comparison of the totals for the cities of the several groups reveals the following: the smaller cities depend slightly less on the general property taxes than the larger cities; the smaller cities derive a higher percentage of their revenue receipts from special assessments than the larger cities; the percentage of revenues derived from highway privileges, rents, and interests declines steadily as one goes from the larger to the smaller cities; finally in the smaller cities poll taxes and subventions and grants are of more consequence than in the larger cities. Per capita revenue receipts range from $80.14 for Group I cities to $47.80 for Group V cities (cities having a population between 30,000 and 50,000).

A study of the governmental-cost payments also shows a number of striking differences between the small and the large cities. For example, the per cent of governmental-cost payments represented by payments for interest increases from 8.0 per cent in Group V cities to 10.0 per cent in Group I cities. A study of the governmental-cost payments represented by payments for operation and maintenance of general departments shows that highways, education, and fire protection constitute a higher percentage of the total in the smaller cities than in the larger cities. The latter adjust this difference by showing higher percentages for police, sanitation, and charities, hospitals, and corrections. A study of the per capita governmental-cost payments generally shows an increase in the larger cities for all of the municipal functions.

Martin L. Faust.

*

Community Health Organization. Edited by Ira V. Hiscock. New York: American Public Health Association, 1927. Pp. 122.

The development of practical standards for public health administration has been one of the most notable of the many significant advances made in the science of public health during the past decade. Through the efforts of a committee of the American Public Health Association, appointed in 1920 with Professor C.-E. A. Winslow, Dr. P.H., as chairman, there has been prepared and put into successful operation an appraisal form for public health practice, and there have been evolved definite specifications for the effective organization of community health departments.

In this small volume edited by Professor Hiscock, with the assistance of a group of distinguished sanitarians, there are offered three plans for the organization of community health work. These schemes are the result of numerous surveys of health departments, in many instances using the appraisal form, and of suggestions by various practicing sanitarians. The first plan is for a city of 100,000 population, the second for a city of 50,000, and the third for a county or district of 30,000 population. In each instance a complete working organization is outlined, with suggestions as to functions, and data as to costs. This is the kind of information that has long been needed by health officials, boards of health, mayors and municipal officials, and civic workers.

These projects are not set forth as rigid and inflexible principles for a local health program, but as a "trellis on which to train its growth." The ideal may be achieved gradually, and even if not entirely attained, progress toward it will do much to improve public health administration in this country, which is unquestionably now susceptible to considerable improvement.

It is worth noting that the most effective types of public health organization cost money—much more, in fact, than is now generally allotted to the important task of protecting and promoting the health of the people. For a city of 100,000 population the health budget should be not less than $1.97 per capita; for the community of 50,000 the sum of $1.72 is suggested; while $1.54 will suffice in a district of 30,000. Such expenditures constitute good civic investments, moreover, for economy in the prevention of disease is invariably false economy.

All persons who are concerned with municipal affairs will find this book a valuable one. It has been capably edited, and it is fairly well printed. It is one of the real contributions to public health progress.

James A. Tobey, Dr. P.H.

*

Parks—A Manual of Municipal and County Parks. Edited by L. H. Weir under the auspices of the Playground and Recreation Association of America and the American Institute of Park Executives. New York: A. S. Barnes and Company, 1928. 2 vols., pp. 1036.

This manual is a comprehensive and much needed presentation of the administrative problems connected with the establishment and conduct of park systems. The material covered may be roughly divided into five major parts. First, the planning, designing and construction of park areas. Methods of park maintenance and management are covered in the second part. The third part includes detailed studies of special operating activities—horticulture, policing, lighting, and sanitation. The management of such specialized park units as zoölogical and botanical gardens and aquariums is treated in the fourth part and, finally, problems of publicity and the training of park executives.

There is an excellent chapter on office organization and management by Charles E. Doell, secretary of the Minneapolis board of park commissioners. Expert outside assistance was also secured from F. L. Mulford, horticulturist of the Bureau of Plant Industry of the United States Department of Agriculture, who prepared the chapter on the horticultural division.

The increasingly important problem of providing for and administrating recreation areas in the parks is given considerable attention. Proper emphasis is given to the fact that in many large cities, well known for their excellent park systems, existing provisions for children's playgrounds and athletic fields are inadequate. In the chapter on the designing of park and recreation areas there is a wealth of descriptive and illustrative material on specifications and layouts of areas devoted to games and sports. In the lengthy chapter on construction notes there is much valuable and usable information on the construction of tennis courts, bowling greens, ball diamonds, swimming pools, etc. Finally there is an entire chapter devoted to the recreational service division.

The chapter on park financing is almost entirely a discussion of the various kinds of revenues now applicable for current operating expenses and for capital outlays. There is no discussion here of budget procedure, methods of supervising park expenditures, or of purchasing. The pay-as-you-go policy for the financing of park acquisitions or the making of permanent improvements is rather briefly dismissed on the apparent ground that such procedure might result in the curtailment of the present, often inadequate, revenues for current operation and maintenance. The experience of the Minneapolis board of park commissioners in acquiring and improving its park properties by means of special assessments is given in some detail. Considerable attention is paid to the use of fees and charges in paying both the current and capital costs of such specialized projects as golf and swimming. In view of the increasing importance of this source of revenue, however, the discussion is too noncommittal; something more specific as to the relative significance and the possible extent and nature of the applications of such revenues would have been valuable.

There are two other commendable chapters on the external and internal set-up and relationships of a park department. The comments on the relative merits of the set-ups of park departments under various forms of city government are not convincing, because of a lack of understanding of the essential features of such forms.

The manual gives evidence of much painstaking labor, is simply and clearly written and contains a vast amount of well selected and practical information.

Randolph O. Huus.
Western Reserve University.

*

A Correction.—In the March Review the publication of *City Growth Essentials*, by Stanley L. McMichael and Robert F. Bingham, was erroneously credited to E. P. Dutton & Co. It should have been the Stanley McMichael Publishing Co., 1222 Prospect Avenue, Cleveland, Ohio.

REPORTS AND PAMPHLETS RECEIVED

Shall the Limit on the City's Tax Rates Be Increased? By the Bureau of Governmental Research, Chamber of Commerce, Kansas City, Kansas, report No. 8, February 7, 1929. 25 pp. (mimeographed). A study made in connection with a bill, proposed by the city government, to increase the limits on the judgment fund tax levy and the tax levy for protection of life and property.

*

Corrupt Practices Legislation. By Helen M. Rocca, Department of Efficiency in Government, National League of Women Voters, December, 1928. 75 pp. A discussion of corrupt practices legislation, supplemented by a list of references, the federal corrupt practices act of 1925 and a table of state laws regulating campaign contributions and expenditures.

*

Report of County Government Advisory Commission, 1928 (North Carolina). 26 pp. A history of the movement to improve county government in North Carolina, a digest of the laws enacted at the 1927 legislative session, and the results of the application of these laws.

*

County Government. By Helen M. Rocca, Department of Efficiency in Government, National League of Women Voters, September, 1928. 44 pp. A summary of the main facts about county government with a two-page bibliography.

*

Administrative Reorganization in California. By W. W. Mather, 1929. 84 pp. Published by Board of Trustees of Chaffey Junior College, Ontario, California. A tentative plan for constitutional reorganization in California. A summary of the situation in California. Contains a good bibliography.

*

Second Annual Report of the Metropolitan Drainage Commission of Minneapolis and St. Paul. By the Minnesota State Board of Health in collaboration with the Minnesota Commission of Game and Fish and the Wisconsin State Board of Health, 1928. 395 pp. Discussion of sewage disposal problems in Minneapolis and St. Paul and contiguous areas. The volume contains also the report of the investigation of the pollution of the Mississippi River from Minneapolis to La Crosse, inclusive.

*

Report of the Salary Survey Commission to the Pennsylvania General Assembly, 1929. 102 pp. A report on the salaries and wages of employees in state legislative, executive and judicial divisions; counties; the three classes of cities; townships; and boroughs with certain recommendations.

A Report Which Gives the Cost of Natural Gas Services of Kansas Cities. By the League of Kansas Municipalities, 1928. 158 pp. Briefs of important court decisions affecting the granting of franchises and rate making, with conclusions and recommendations.

*

A Budgeted City Plan Should Reduce Taxes. An address by George B. Ford of the Technical Advisory Corporation of New York City, given before the American Academy of Political and Social Science at Philadelphia. An excellent summary of long-term financial programs in use in various cities.

*

The Tax System of Iowa. By John E. Brindley and Grace S. M. Zorbaugh, Extension Bulletin No. 150, Iowa State College of Agriculture, Ames, Iowa, 1929. 94 pp. Study requested by the Iowa legislature. A complete analysis of the system of taxation for that state with a chapter devoted to the tax situation in some European countries.

*

Public Utility Rates. League of Kansas Municipalities, January, 1928. 206 pp. Rates for electric light and power, gas, and water in 561 Kansas cities. A map is enclosed showing cities having transmission lines and municipal distribution systems, company generating plants and distribution systems, and company transmission lines and distribution systems.

*

Special Taxation for Motor Vehicles. By the Motor Vehicle Conference Committee, 1929. 35 pp. Mostly devoted to state taxes and fees on motor vehicle operation in table form.

*

The Tax Problem in Colorado. By Don C. Sowers, secretary, Bureau of Business and Government Research, Extension Division, University of Colorado, December, 1928. 104 pp. An excellent discussion of the problems involved in taxation in Colorado with special reference to a readjustment of the tax burden.

*

Ohio Highway Revenue Forecast. By Research Department of the Ohio Chamber of Commerce, February, 1929. 33 pp. Presents three important findings as a result of the investigation: (1) the present sources of revenue are adequate to finance the accepted highway program; (2) if the large expansion program advocated by the Ohio Good Roads Federation were to be adopted, it could be financed by an increase of one-half cent in a gasoline tax to be allocated to construction purposes, if a redistribution of funds were permitted allowing the transfer of funds from the maintenance and repairs fund to the construction fund; (3) that the proposals which have been made for an increase of one cent in the gasoline tax and an increase in registration fees are not necessary for the carrying out of the aforesaid expansion program.

*

Road Cost Accounting Systems. By the Research Department of the California Taxpayers' Association, December, 1928. 18 pp. plus tables. (Mimeographed.) A suggested system for keeping costs of roads and bridges. To be part of a more extensive report to be published at a later date.

*

The Buffalo City Hospital. By the Buffalo Municipal Research Bureau, March, 1929. 124 pp. A survey made at the request of the finance committee of the city council and the managers of the hospital.

*

Hand Book of the Government of the Territory of Hawaii. By the Hawaii Bureau of Governmental Research, November, 1928. 136 pp. Compiled for the following purposes: (1) to supply the Bureau with the primary information it requires; (2) to provide government officials with a handbook containing information of other departments; (3) to give citizens information about their government.

JUDICIAL DECISIONS

EDITED BY C. W. TOOKE

Professor of Law, New York University

Establishment of Municipal Airports as a "Public Purpose".—The question as to whether the acquisition, ownership and operation of a municipal airport is a public purpose, within the purview of the general principles of constitutional law prohibiting the expenditure of public money, or the levying of taxes or the incurring of indebtedness for a private purpose, is obviously one of recent development.[1] However, notwithstanding this recency and any uncertainty that heretofore may have existed, there is now sufficient authority to warrant the conclusion that the answer is in the affirmative, for the courts which have had occasion to consider the question have, without exception, so held.[2] That this result is in accordance with the views of the various legislative bodies of this country, and hence of general public opinion as reflected therein, is evidenced not only by the many statutes expressly authorizing the expenditure of public funds or credit for the establishment of airport facilities by political subdivisions[3] or by the state itself,[4] but also by the numerous regulatory enactments tacitly recognizing the governmental or public nature of the functions involved.[5]

Apparently the first case in which the question under consideration was presented arose in Ohio.[6] The city of Cleveland had undertaken to issue bonds for the purpose of acquiring and improving land for use as an airport and it was contended, among other things, that this action was in violation of the state constitution in that it constituted a raising of money or loaning of credit to or in aid of a corporation or company.[1] The court, in summarily dismissing the contention, declared that if an aircraft landing field was not a public utility within the meaning of the constitutional provision conferring authority upon municipalities to acquire, construct, own, lease and operate, any public utility for the benefit of its inhabitants,[2] any doubt as to the validity of the undertaking in question was removed by the enactment of the statute[3] conferring express authority upon municipalities to do the things contemplated by the ordinance of the city of Cleveland, "which authority to confer such power the Legislature no doubt has unless prohibited by some provisions of the Constitution, which prohibition we are unable to find."[4]

---

[1] This comment is confined strictly to a consideration of the topic stated and hence does not include the closely related question as to whether the acquisition or maintenance of an airport is such a purpose as may be constitutionally delegated to, or undertaken by, a municipality.

[2] See cases cited *infra* notes 6 et seq.

[3] Statutory authority for the ownership and operation of airport facilities by political subdivisions have been enacted in California (Stats. 1927, Ch. 267, p. 485, Title 12, Act 149); Illinois (L. 1927, pp. 297, 616); Indiana (Acts 1920, p. 160); Kansas (L. 1921, Ch. 264, §12); Kentucky (L. 1926, Ch. 107; L. 1928, Ch. 77, 78); Louisiana (L. 1928, Act No. 24, 225); Maryland (Acts 1927, Ch. 431); Michigan (Pub. Acts 1927, No. 182, 329); Minnesota (L. 1923, Ch. 34; L. 1927, Ch. 62); Montana (L. 1927, Ch. 20; Rev. Code §5039); Nebraska (L. 1921, p. 658; 1922 Comp. Stat. § 4607); New Jersey (L. 1928, Ch. 101, 181, 184); New York (L. 1928, Ch. 647, amending L. 1928, Ch. 169); Ohio (Gen. Code, 1926, §§ 3677, 3939); Oregon (L. 1925, p. 162, § 7091); Pennsylvania (L. 1923, No. 191, 192; L. 1925, No. 328; L. 1927, Act 494); Washington (L. 1925, Ch. 42); Wisconsin (L. 1921, Ch. 234; Stat. 1925, § 66.06; L. 1927, Ch. 248); Wyoming (L. 1927, Ch. 72); and according to the latest available information, original or additional statutes of similar import have been proposed or are now pending in Illinois (Senate Bill 74); Iowa (House Bill 311); Maryland (H. B. 322); Minnesota (S. B. 705, 708); New Jersey (H. B. 317); New York (S. B. 1, 2, 181); South Carolina (H. B. 780); South Dakota (H. B. 18 passed senate); Tennessee (S. B. 21, H. B. 37); Texas (S. B. 581); Vermont (H. B. 47, passed Feb. 2, 1928); Wisconsin (S. B. 237).

[4] Legislation of this nature is now pending in Illinois (H. B. 20); Massachusetts (H. B. 642).

[5] Regulatory legislation pertaining to aviation of the significance adverted to has been enacted by Congress [U. S. Air Commerce Act of 1926, Act of May 20, 1926, Ch. 344, 44 Stat. L. 568, 49 Mason's U. S. C. 1761 and the legislatures of the states of Arkansas (L. 1927, Act 17); California (Stats. 1921, Ch. 783); Colorado (Acts 1927, Ch. 64); Connecticut (Pub. Acts 1925, Ch. 249; L. 1927, Ch. 324); Delaware (L. 1923, Ch. 199); Florida (L. 1925, Ch. 11339); Georgia (L. 1927, p. 779); Idaho (L. 1925, Ch. 92); Indiana (Acts 1927, Ch. 43); Kansas (L. 1921, Ch. 264); Kentucky (L. 1926, Ch. 107); Maine (L. 1923, Ch. 220; amended by L. 1925, Ch. 185); Maryland (L. 1927, Ch. 637); Massachusetts (Acts 1922, Ch. 534, amending G. L. 90, §§ 35–43; Acts 1925, Ch. 189, amending G. L. 90, §§ 41, etc.); Michigan (Pub. Acts 1923, No. 224; Pub. Acts 1927, No. 138); Minnesota (L. 1921, Ch. 433; L. 1925, Ch. 406); Mississippi (L. 1928 [Act of April 26, 1928]); Nevada (L. 1923, Ch. 66); New Jersey (L. 1913, Ch. 50; L. 1921, Ch. 124; L. 1928, Ch. 63); New York (L. 1928, Ch. 233, 373, 408); North Dakota (L. 1923, Ch. 1); Ohio (Gen. Code 1926, § 1392, par. 3); Oregon (L. 1923, Ch. 186); Pennsylvania (L. 1927, Act 250); South Dakota (L. 1925, Ch. 6); Tennessee (L. 1923, Ch. 30); Texas (See Gen. L. 1919, Ch. 9); Utah (L. 1923, Ch. 24); Vermont (L. 1923, No. 155); Virginia (L. 1928, Title 33A, Ch. 146A); Wisconsin (L. 1925, Ch. 35); Wyoming (L. 1927, Ch. 72); and the territory of Hawaii (L. 1923, Ch. 109; Rev. L. 1925, §§ 3891–3905); and, according to latest available information, statutes of similar import have been proposed or are now pending in California (S. B. 416); Massachusetts (H. B. 248); Minnesota (March 1, 1929, S. B. 688, 705); Minnesota (H. B. 767, 768, March 6, 1929); New York (S. B. 120, 240, 1062, February 28, 1929); South Dakota (H. B. 19); Texas (S. B. 581).

[6] *State ex rel. Hile* v. *City of Cleveland*, 26 Ohio App. 158, 160 N. E. 241, decided April 19, 1927.

The next case, which has been previously noted in this REVIEW,[5] arose in Kansas,[6] but the question was presented in a somewhat different situation. The board of park commissioners of the city of Wichita desired to acquire certain land lying outside of the city limits to be used for park purposes and, incidentally, as an airport or landing field for airplanes, and it was contended by the city that the acquisition of the property by the park board for the purposes set out was not authorized under the statute conferring the power on the board of park commissioners to acquire land deemed necessary for public parks outside of the corporate limits of the city.[7] The court held, however, that park purposes may properly include a landing field for airplanes and that while the provisions of the statute authorizing any city in the state to acquire and maintain a municipal field for aviation purposes and pay the expense of such acquisition or maintenance out of the general funds of the city[8] were not sufficient to authorize the acquisition of the land in question as it was situated beyond the corporate limits of the city, they were sufficient to enable the governing body of the city to maintain such an airport out of general funds, the park, including the airport, having been validly secured under the statute providing for public parks.[9]

In *Doughty* v. *Mayor and City Council of Baltimore*,[10] the city, under authority of a special act[11] and upon approval at a popular election by the voters of the city as therein provided,[12] issued bonds for the purpose of acquiring land and improvements for establishing an airport. The question as to the public nature of the function undertaken was apparently not raised or directly considered, but the court, in rejecting contentions going to the validity of the procedure in authorizing and issuing the airport bonds, held that it would give effect to the popular will when to do so "violates no constitutional or statutory provision."

The next case, which has also been previously noted in this REVIEW,[13] was *State ex rel. City of Lincoln* v. *Johnson*.[14] The question directly involved in this litigation was whether the procedure for the electoral authorization of the airport bonds authorized by statute[15] was to be governed by the provision of the general act or by that of the Lincoln Home Rule Charter. The court, however, in sustaining the latter contention expressly stated: "An equipped aviation field in or near the city is a means of making aerial service available to passengers. The service includes the transportation of mail and freight. The field is furnished for a public purpose for which taxes may be imposed in the exercise of governmental power."[16]

While the cases considered above bear more or less directly upon the question under discussion and may be considered as authorities for the view that the establishment of an aircraft landing field is a public purpose, the first court which appears to have had the question so directly presented before it as to require an extensive consideration was the Supreme Court of Missouri in the cases of *Dysart* v. *City of St. Louis*[17] and *Ennis* v. *Kansas City*,[18] both decided the same day.[19]

The litigation in *Dysart* v. *City of St. Louis*, as in the case of *Ennis* v. *Kansas City*,[20] and in most of the other cases herein discussed, involved the validity of municipal bonds proposed to be issued by the city of St. Louis for the purpose of establishing a city airport. In the language of the court:[1]

---

[1] Ohio Const. Act. VIII, § 6.

[2] Ohio Const. Act. XVIII, § 4.

[3] Ohio Gen. Code [1926], § 3677, par. 15; § 3939, par. 29.

[4] *Supra* Note 6.

[5] Vol. XVII, No. 4, p. 238, April, 1928.

[6] *City of Wichita* v. *Clapp* (*Kans.*), 263 Pac. 12, decided Jan. 7, 1928.

[7] Kans. Laws 1927, Chapter 117.

[8] Kans. Laws 1921, Chapter 264, § 12; R. S. 3-110.

[9] See *supra* Note 13.

[10] (Md.) 141 Atl. 499, decided April 11, 1928.

[11] Md. Acts 1927, c. 431.

[12] *Ibid.* § 1.

[13] Vol. XVII, No. 10, p. 604, October, 1928.

[14] (Nebr.) 220 N. W. 273, decided June 27, 1928.

[15] Nebr. L. 1921, p. 658; Comp. Stat. [1922], § 4607.

[16] 220 N. W. at page 274.

[17] (Mo.) 11 S. W. (2d) 1045.

[18] (Mo.) 11 S. W. (2d) 1054.

[19] December 6, 1928.

[20] This case was argued and submitted with the Dysart case and as the facts and questions raised in the two cases were parallel the decision in the Dysart case is

"The first question presented by the record is whether the proposed indebtedness of $2,000,000 is to be incurred for a public purpose. The Constitution of this State provides that 'taxes may be levied and collected for public purposes only.' (Sec. 3, Art. X, Constitution.) This provision embodies a well-settled principle of constitutional law. Even in jurisdictions whose constitutions contain no such limitation on the taxing power, it is universally agreed that an attempt to raise money by taxation for private purposes is unconstitutional; that it is a taking of property without due process of law; that it violates fundamental principles inherent in free government."

In support of the contention that the establishment of an airport was not a purpose for which taxes could be levied the following expressive language was used:

"'It [the airport] will afford a starting and landing place for a few wealthy, ultra-reckless persons, who own planes and who are engaged in private pleasure flying. They may pay somewhat for the privilege. It will afford a starting and landing place for pleasure tourists from other cities, alighting in St. Louis while flitting here and yon. It will offer a passenger station for the very few persons who are able to afford, and who desire to experience, the thrill of a novel and expensive mode of luxurious transportation.

"'The number of persons using the airport will be about equal to the total number of persons who engage in big-game hunting, trips to the African wilderness, and voyages of North Pole exploration. . . .

"'In the very nature of things, the vast majority of the inhabitants of the city, a 99 per cent majority, cannot now and never can, reap any benefit from the existence of an airport.

"'True it may be permitted to the ordinary common garden variety of citizen to enter the airport free of charge, so that he may press his face against some restricting barrier, and sunburn his throat gazing at his more fortunate compatriots as they sportingly navigate the empyrean blue.

"'But beyond that, beyond the right to hungrily look on, the ordinary citizen gets no benefit from the taxes he is forced to pay.'"

The court, however, in rejecting this argument said that while it was unquestionably true that the airplane is not in general use as a means of travel or transportation, either in the city of St. Louis or elsewhere yet, in view of the tremendous activity and progress in this field as described in the opinion of *City of Wichita* v. *Clapp*,[2] there is small doubt but that within a comparatively few years the use of the airplane will be as general as that of the railroad and motor vehicle.

The second contention against the validity of the acts of the city in attempting to establish the airport is so well disposed of by the court that this portion of the opinion may be well set out in full:

"As a further reason for his insistence that an airport is not a public purpose for which the city of St. Louis may incur an indebtedness, appellant urges that the exercise of no governmental function or corporate act is required, but that on the contrary an airport can be better provided through private initiative and by private capital. This contention is based on the holding in *State* v. *Orear, supra*,[3] that the business of making and selling ice is not a public purpose. There is, however, no analogy between the manufacture and sale of ice and the acquisition and maintenance of an airport. The latter is a necessary instrumentality in a new method or system of transportation which requires public aid for its development and final establishment. The situation with respect to it is very like that which existed with reference to the building of railroads in this country something like three-quarters of a century ago. At that time the people of many of the different cities and towns were so desirous of having the benefits of railroad connection that they sought and secured authority from the Legislature of their state to aid the railroads with municipal funds, either as a loan or as a direct gift, or by subscription to the stock, or by guaranteeing the bonds or other indebtedness of the railroad companies. The question then arose whether a municipal corporation could be authorized to expend in this manner funds raised by taxation. Though at the beginning there were some dissents, it finally became established by the courts that the expenditure of public funds in behalf of a railroad is an expenditure of public funds for a public use. The decisions for the most part were put on the broad ground that the increased prosperity of a community which might be expected to result from the new means of travel and transportation made the purpose a public one. And so we say with respect to the expenditure of public funds for an airport."

---

determinative of all questions involved in this case except the question of charter power, the language of the two charters with reference to the powers conferred being somewhat different.

[1] The opinion of the court was rendered by Mr. Chief Justice White, but most of that part of the opinion which is pertinent to the question under consideration was incorporated therein by quotation from an unreported opinion written by Judge Ragland on a former hearing of the case.

[2] See *supra* Note 12.

[3] 277 Mo. 303, 210 S. W. 392.

At about the same time that the Supreme Court of Missouri was rendering this well-considered opinion the Court of Appeals of New York was deliberating upon the same question.[1] The city of Utica, under statutory authority,[2] had contracted to buy land to be used as an airport and was about to issue its bonds to pay the purchase price when the acts of the city were challenged on constitutional grounds. The court in a very brief opinion summarily held the purpose was a public one and declared that:

> "Aviation is today an established method of transportation. The future, even the near future will make it still more general. The city that is without the foresight to build the ports for the new traffic may soon be left behind in the race of competition. Chalcedon was called the city of the blind, because its founders rejected the nobler site of Byzantium lying at their feet. The need for vision of the future in the governance of cities has not lessened with the years. The dweller within the gates, even more than the stranger from afar, will pay the price of blindness."

The most recent utterance on the question under consideration was by the Supreme Court of Oregon.[3] The action was a suit to enjoin the city of Roseburg from issuing bonds under statutory authority[4] for the purpose of establishing an airport near the city, and the right of the city to construct and maintain an airport at the expense of the taxpayers was challenged. The court, in denying that the purpose of establishing and maintaining an airport is private rather than public, so aptly summarizes the law as declared by the courts that it may well serve to conclude this review of the authorities:

> "What is a public use is not capable of an absolute definition. A public use changes with changing conditions of society, new appliances in the sciences and other changes brought about by increased population and modes of transportation and communication. We cannot close our eyes to the great growth in the use of flying machines during the past decade. This growth has been especially noticeable during the last two or three years. We must take notice that a large quantity of mail is being daily transported into the various parts of the country. Expressage and even freight is being transported by aeroplane in large and rapidly increasing quantities. Transportation by air appears to be increasing so rapidly that we may confidently expect that soon a large portion of the mail and express will be transported by aeroplane. An airport owned by the city open to the use of all aeroplanes is for the benefit of the city as a community, and not of any particular individuals therein. It is therefore a public enterprise. Aeroplanes travel the 'trackless air.' The only way an aeroplane company could acquire a monopoly would be through monopolizing the airport. It would seem, therefore, that airports may be properly owned and controlled by a municipality or other public corporation. Such has been the holding of all the courts passing upon the question directly."

HARRY J. FREEMAN.

---

[1] *Hesse* v. *Rath* (*N. Y.*), 164 N. E. 342, decided Dec. 7, 1928.

[2] N. Y. L. 1928, Ch. 647, amending L. 1928, Ch. 169.

[3] *McClintock* v. *City of Roseburg* (*Ore.*), 273 Pac. 331, decided Jan. 8, 1929.

[4] Oregon L. 1925, p. 162, § 7091.

PUBLIC UTILITIES

EDITED BY JOHN BAUER

Director, American Public Utilities Bureau

Brooklyn Union Rates Rejected.—On February 15, 1929, the New York Public Service Commission rejected the schedule of rates filed by the Brooklyn Union Gas Company on April 15, 1928, and suspended during the period of inquiry. The new schedule represented a radical departure from the old, flat rates, which have been generally the prevailing form of gas rates, not only in New York City, but elsewhere. For domestic consumers it fixed the sum of 95 cents for the first 200 cu. ft. of gas, or less, per month per meter, and then 9 cents per 100 cu. ft. for all gas beyond 200 cu. ft. per month. The old rate was $1.15 per M cu. ft., or 11½ cents per 100, with no "initial charge" to cover the cost of service, in addition to the gas delivered.

The new schedule was vigorously opposed by the city of New York and the Gas Consumers' League, organized by the smaller consumers. The company has about 700,000 customers, of whom about 75 per cent would have been subjected to an increase in rates, while 25 per cent would have received a reduction; the amount of the increase as well as the reduction would have depended upon the quantity used. The company presented detailed cost studies to support not only the principle of the "initial charge," but also the particular amount of 95 cents per month per meter. It presented a classification of the various costs involved, and made an allocation between the so-called "consumer" and "commodity" costs. It attempted to show that the mere cost of furnishing service, without regard to the delivery of any gas, exceeded a dollar a month per meter, and claimed that the smaller consumers, under about 3000 cu. ft., per month, were carried at a loss at the old flat rate. It claimed that the initial charge of 95 cents is necessary to protect the company against such losses and to distribute the costs more equitably between all classes. It contended that the new schedule would result in greater consumption of gas by all users, that it would create new uses for gas, and would thus result in a reduction in average rates.

The city and the Gas Consumers League, in opposing the new schedule, maintained that it was illegal in form, but even if it were not illegal in form, that it would place an unjust burden upon the mass of smaller consumers. The New York Public Service Commission law prohibits outright the exaction of a "service charge"; it requires that the rates for gas shall be reasonable and shall be based upon the amount of gas supplied, and that there shall be no additional charge for service. It permits, however, the variation of rates according to quantity of gas sold, time of use, purpose of use, and other considerations which are properly taken into account in fixing a reasonable rate schedule. Both the city and the League contended that the so-called "initial charge" in reality would be a "service charge." While the 95 cents a month permitted the use of 200 cu. ft., the amount was principally predicated, not upon the cost of gas supplied, but upon the cost of furnishing "service,"—meter reading, accounting, billing, collecting, etc. The company's cost analysis was based upon allocation between the cost of gas and cost of service, and was presented as evidence to support the 95 cents charge. While this was offered as the rate for the first 200 cu. ft. or less, and thus nominally appeared as the first step in the system of block rates, it was in reality a service charge, for it included only a small part for the cost of gas, and much the greater part for the cost of service. The opponents, therefore, contended that it would be an evasion of the law against a service charge, and should be rejected as illegal.

Apart from the question of legality of the form of the rate, the city and League contended that the amount of the initial charge was excessive and would place undue burdens upon the mass of smaller and poorer consumers. They showed that the company's allocation included in the initial charge not only actual consumer costs, but also other costs which, in any case, should be borne by the charge for gas. The point of disagreement between them and the company was as to the kind and extent of costs that are properly included in a service charge. The company included not only the direct consumer costs, such as meter reading, billing, collecting and other items immediately attributable to the fact that the consumer is connected with the service and his account is on the books, but also a large proportion of the distribution costs, general expenses and overheads. The city and League maintained that only the first group of immediate out-of-pocket costs due to consumer accounts should be included in a service charge, and that all other costs should be borne in the flat rate. They limited the contention, however, to the domestic rates, and did not apply it to special services, such as house heating and industrial uses.

The commission's rejection was accompanied merely by the statement that the company had failed to furnish sufficient proof to justify the new schedule. The vote of the commission was three to two. Chairman Prendergast and Commissioner Van Namee prepared a minority opinion setting forth their reasons why they believed that the new schedule would be a more just rate than the old, and that the company should be permitted to experiment at least a year with the new rates. The decision did not meet directly the point urged by the city and the League, that the schedule was illegal in form. It does, however, indicate that the majority believes that many of the costs which the company would include among consumer costs, should be borne by the rate charged for gas.

The commission still has before it for consideration a similar schedule of the Brooklyn Borough Gas Company. This schedule also has been strenuously opposed by the city and the Gas Consumers' League. The form of the rates, the method of proof, the basis of allocation employed by the company, are throughout essentially the same as in the Brooklyn Union case. The only point of difference is that the Brooklyn Union schedule was officially suspended by the commission, and never went into effect, while the Brooklyn Borough rates were allowed to go into force before the investigation was started.

⁂

Hearings on Uniformity of Rate Structures.—As stated in this department last month, the New York Public Service Commission has instituted hearings relative to gas and electric rates throughout the state, with the purpose of collecting facts, experience and opinions as to desirable changes in the form of rates, to show particularly in what respects greater uniformity and more scientific provisions may be established. Up to the time of writing, the hearings have been limited to gas companies, and the only testimony received has been presented by the companies.

The proceedings have been informal, and wide latitude has been given for the presentation of data. While many phases of gas rates and service have been discussed, the companies have almost uniformly presented facts and opinions with respect to the need of providing a "service charge," or "initial charge," or a part of a rate which would fix an amount to cover consumer costs, independent of the quantity of gas used. They are in full agreement, so far as the record shows, that the prevailing flat rate requires them to carry a large proportion of the consumers at a loss, which must be made up by the larger users. They contend that the old form of rate is unjust to the larger consumers, and prevents the greater utilization of gas which would be attainable if all consumers were compelled to pay their due proportion of the cost of service determined independent of the amount of gas used.

Thus far the objective of the proceedings has been to establish the necessity or reasonableness of a service charge or its equivalent as a regular part of a system of rates. The testimony was limited as to the form of such a rate, without regard to the amount. If the commission should conclude that a service charge or its equivalent is desirable, it presumably will present the facts to the legislature with the recommendation that the present prohibition of a service charge shall be removed.

It is, of course, no secret that the gas companies in New York state, and throughout the country, are moving by concerted action not only for the principle of a service charge, but for an amount which, in the great majority of cases, is not less than one dollar a month per customer. The companies, to be sure, were invited by the commission to present their experience with gas rates and to offer their ideas as to what constitutes a desirable rate structure. They complied properly with the request, but, with singular unanimity, they have been concerned with only the one objective,—the establishment of a service charge or its equivalent in a rate structure.

If there is another side that should be thoroughly presented for the purpose of establishing sound public policy, it is sadly neglected. While the institution of a service charge of about a dollar in most cases imposes higher rates upon 60 to 75 per cent of the total consumers, there has been no general consumer representation at the hearings. With the sole exception of the city of New York and the Gas Consumers League referred to in the preceding article, there was only perfunctory cross-examination of company witnesses, and the numerous self-serving declarations of company representatives stand virtually unchallenged in the record to be considered by the commission, and presumably to be reported to the Legislature for the amendment of the law. The private interests, as usually in public utility cases, are well organized to present effectively what they desire. The public interests, as almost always, are greatly divided and disorganized. Why are not all the cities of the state in active appearance in these hearings, which so directly involve the interests of the mass of consumers?

*

Chairman Prendergast Corrects Our Statement of Objective.—In our comments upon the New York hearings on rate schedules last month, we assumed that the inquiry would extend to general rate levels and would include the relation of rates fixed for various groups. We pointed out especially the need of considering the basis of the "spread" or "differential" between domestic and power rates in the electric field. Our view as to the scope of the investigation seems to have been unwarranted, and we regret if we have misled readers as to the purpose of the hearings. Chairman William A. Prendergast has sent us the following communication under date of March 11, 1929, to clear up the matter:

Dear Doctor Bauer:

In the Division of Public Utilities of the National Municipal Review for this month, you have some comments on what you entitle "State Rate Investigation in New York." You refer to the hearing of January 15th which you say was for the purpose of investigating the gas and electric rates throughout the State. You further state, "The purpose is not only to determine whether, in general, rates are excessive or inadequate, but more particularly to find whether the rate schedules or structures are properly adjusted to present-day conditions."

I regret that you have misconceived the purpose of Case No. 5259 and can now understand the attitude you took upon this subject at the hearing in Albany last Wednesday. It was distinctly stated at the hearing of January 15th that it was not proposed to investigate rates. If you will refer to the minutes you will find that Mr. Rogerson of Jamestown asked me a question on this point and my answer was specific to the effect that we were not going to investigate rates, we did propose to investigate the form of schedules.

I am sorry that you should have misunderstood the purpose of the inquiry, especially as I know that the Division of Public Utilities of the National Municipal Review is followed with much interest and people who read what you have said on the subject to which I have referred, will, of course, be under an entirely wrong impression.

Very truly yours,
Wm. A. Prendergast.

We understood clearly from the outset, that specific rates for individual companies would not be considered, and that the form of the rates would be the principal subject matter. But we did assume that such an inquiry would include the normal relations of different classes of rates and standards of adjustments to bring rate structures in harmony with present-day conditions. We have had occasion to study the record quite carefully to date, and can find only the single clear objective as to change in form—the establishment of a service charge or its equivalent. While, of course, this is an important matter for determination, we hope that it will not be the sole subject of form to be considered, and that the basis of properly differentiating rates between groups of consumers will become a significant part of the inquiry. While the distinction is sharply drawn between "form" and "amounts," we are inclined to believe that the form has significance only because of the amounts involved. We hardly see how a strictly limited survey can produce very valuable results without regard to amounts represented in the rate schedules.

MUNICIPAL ACTIVITIES ABROAD

EDITED BY W. E. MOSHER

Director, School of Citizenship and Public Affairs, Syracuse University

Reflections on Administration.—In a paper read before the Institute of Public Administration at Birmingham, T. H. Garland makes some fruitful observations concerning public administration. He cannot recall ever having met any person who doubted that he possessed the knowledge and therefore the wisdom and good sense necessary for an administrative position.

The question is raised as to whether public administration is a science or an art. Those extremists who look upon it as a science are likely to be converted into efficiency engineers who are prone to reduce the human elements involved in the conduct of public office to a minimum, if not to eliminate them altogether. At the other end of the scale is the psychologist who, in accepting the fact that all human factors are variable, is inclined to give the individual unrestricted free play in carrying on his functions. The author doubts the soundness of both of these extreme positions.

Mr. Garland believes that there is a certain amount of administrative technique which is capable of universal application and acquisition, but that the final and higher expression of the skill of the administrator is personal, like the expression of art. It is on the basis of personal leadership finally that goodwill, an essential in all undertakings whether large or small, is to be attained. Without it no administration may rise above the level of mediocrity. With it there will be opportunity for the free play and exercise of those personal qualities which distinguish creative art from scientific formulae.—*Public Administration*, January, 1929.

◆

Polish Congress of Administrative Sciences.—Under the inspiration of the third international Congress of Administrative Sciences held at Paris in 1927, the Polish representatives at the Paris Conference have taken steps working toward the organization of a national Polish Congress which is scheduled for June, 1929, at the city of Pozna. The purpose of the Congress is to contribute to the development of the administrative sciences and to a more practical utilization of their achievements. The coöperation of leading jurists, professors, and practitioners has been enlisted.

The committee on organization is agreed that the presidency of the first Congress shall be assigned to the acting head of the committee who is at the present time the President of the Administrative Court of Poland.—*Revue Internationale des Sciences Administratives,* No. 1, 1929.

◆

French Congress of Mayors.—The nineteenth annual congress of the National Association of Mayors of France took place in the month of December in Paris. The assembly constituted itself into five commissions and studied a series of important problems, among which are the following: Classification of roads, rights and obligations of the commune, police, communal finance, the relations of the commune and the concessionaries controlling electricity, unemployment, subsidizing construction by the commune for the purpose of providing employment, concessions of land for cemeteries, hospitalization for accident cases, municipal tax on dogs, etc.—*Revue Municipale*, January, 1929.

◆

Modern Technique of Crime Detection.—In a comprehensive article Director Hoppe of the government of Charlottenburg outlines a program for the future development of the technique of crime detection in Germany. Methods of organization and operation and the use of specialists and highly technical apparatus are described and in some cases discussed in detail.

Attention is called to the development of modern methods of identification, including the registration of finger prints in a central bureau, the collection of photographs of habitual criminals as well as records of their customary *modus operandi;* the preparation of complicated scientific films and other apparatus. In special albums the birthmarks and other bodily peculiarities, samples of handwriting, lists of types of burglary, police reports, etc., are classified according to the individual criminals. In addition, such aids for apprehending criminals as the following should be made readily available: time tables, maps of individual cities, card catalogues of the addresses of various officials, formulae of telegrams, and addressed envelopes. The latter would facilitate action in enlisting the coöperation of the police agencies in other cities.

Much stress is laid upon the necessity of the division of labor so that the coöperation of specialists of all sorts may be readily enlisted.

Thirdly, attention is called to the use of psychological technicians, not alone as aids in the discovery of criminals, but also in determining the value of evidence, confessions and the like. They should also give systematic training and instruction to police officials. Through their coöperation, attention is paid to the psychological peculiarities of criminals, their emotional characteristics, and their motives for committing specific misdeeds.

Other scientists are being called in more and more as aids in the detection of crime. Among these the following are listed—medical men, chemists, psychiatrists, and criminologists. Special value is attached to the presence of a physician and a chemist at the place of the crime, so that they may determine the time and cause of the death and utilize to the fullest extent the "dumb witnesses" of the deed. In addition to these professional technicians certain other experts may be summoned to advantage, as, for instance, those who have specialized in the construction of safes, in the peculiarities of firearms, handwriting, the character of various materials in manufacturing and handicraft.

In view of the rapid expansion of knowledge along these lines it is recommended that extension courses be offered from time to time, in which not alone experienced crime specialists, but also distinguished scholars and scientists should give lectures concerning present problems and the results of recent investigations and inventions that have bearing upon crime detection.

Evidences of the advances that may be made by means of such contacts are the following: adoption of an apparatus for recording finger prints, the use of ultra-violet rays for illuminating materials and objects, the transmission of photographs, drawings, handwriting, and finger prints by telegraphy.

To round out the program it is also urged that comprehensive crime statistics should be better organized, that the criminal police should be more successfully dovetailed with the rest of the police administration, that better relationships should be established between the criminal police and the public, the press, detective institutes and other private companies engaged in guarding property.

Finally, the policy has been adopted at certain places of educating the public so that it may be safeguarded against danger of burglary or attack by the adoption of various electrical and other devices. Officials who are properly equipped with special information concerning safety devices are now made available for giving the public technical information along this line.

In conclusion, reference is made to the importance of developing in a systematic way a close coöperation of police administrations in the various states of Europe. The slogan for such a movement was sounded in 1922 at a conference held in Vienna. The police president of this city pointed out the impossibility of coping with those criminals who travel from country to country, unless there be an organization which to all practical intents and purposes ignores political boundaries. Since that time considerable progress has been made among the police authorities in this direction.—*Preussisches Verwaltungsblatt*, December 15, 1928.

*

Better Utilization of Firemen.—Many experiments have been tried in the utilization of the free time of firemen. In a recent article the head of the fire department of Karlsruhe analyzed this matter in a systematic way for a medium-sized city. He makes several suggestions that will be of interest to those who have given consideration to the possibility of using idle firemen in various municipal functions. In his opinion it is poor economy to attempt to employ firemen in the cleaning of streets, the hauling of refuse and such activities as require the employment of a full-time worker. Those who have experimented with this type of occupation appreciate the difficulty of insuring the prompt response to alarms which is the very foundation of good fire fighting. It should be noted that the question here discussed is not that of using city employees for reserve purposes, but rather of employing members of the regular fire-fighting force in such a manner that they may perform both the duties of this office and also other worth-while work for the city.

The first condition, therefore, of choosing a supplementary occupation for the firemen is that the work shall be more or less irregular, so that in case of fire it will be possible for firemen to desert their secondary occupation for their primary one. Two such activities are recommended by the writer of the article, namely, that they should serve as drivers of automobiles either for administrative officials or for public ambulances. By-products of such occupations are that the firemen would become experienced in the handling of autos and more thoroughly acquainted with streets and other local conditions in the city.

It is pointed out that the men driving either official automobiles or public ambulances are occupied at a time when major fires are not likely to break out, that is, from seven in the morning to eight or nine at night. Charts were prepared for Karlsruhe which show the frequency of major alarms on the one hand and the distribution of calls for action in the secondary occupation. The curves demonstrate that the primary and secondary duties dovetail into one another without any appreciable overlapping.

It is further suggested that in most medium-sized cities the ambulance service is subject to a considerable amount of adjustment, that is to say, that physicians may be expected to specify in ordering an ambulance as to whether it is immediately necessary or whether the invalid may be transported in the course of the day or at some specified time of the day. In the course of the discussion the author also emphasizes that with present-day methods of extinguishing fires the fire-fighting force is in action for only a comparatively brief space of time so that the duties incidental to the supplementary occupation may be temporarily neglected without any great harm.

A third possibility is that the members of the fire department should be held responsible for the maintenance of their equipment. This has the advantage not alone of giving them useful occupation and incidentally saving money to the city, but it also gives them a better understanding of the peculiarities of the fire apparatus.

By this combination of functions there should be a saving in the budget and through the rotation of these various duties a well-rounded development of the members of the department.—*Preussisches Verwaltungsblatt,* February 2, 1929.

Sludge Disposal in Germany.—A committee of the Manchester Council has made an investigation of the latest methods of sludge disposal in Germany and has since published a digest of its findings.

In the summary the most interesting feature was the recovery and utilization of the gaseous product of fermentation. It was found that sludge was treated in this way almost invariably throughout the country. In the method of treatment for this purpose special emphasis was placed on the temperature of the sludge. In general this approaches twenty-five degrees centigrade.

It was found that the cubic capacity of the digestive tanks need not exceed one cubic foot per capita. Under such conditions the gas produced will amount to from five to seven-tenths of a cubic foot per capita per day. If sludge is digested the gas production will be appreciably higher than these figures.

The thermal value of the gas (650 B.T.U.) is considerably higher than that of ordinary town gas (450 B.T.U.). The price obtained for the gas from the various sewage works in Germany is said to vary from one to two shillings for 1,000 cubic feet. It is pointed out that a better financial return may be secured if the gas is utilized at the sewage plant for the production of power, lighting, etc.

The proposals for the treatment of Munich sewage are cited as good examples of the efforts being made to purify sewage by natural means and at the same time to utilize to the greatest possible extent the organic matter content of sewage. These proposals are three in number, viz.: (a) recovery of the gas from the digestion of the suspended solids, (b) use of the digested sludge for agricultural purposes, (c) assimilation of the colloidal and solid organic matter (via development of low forms of life such as infusoria, etc.) in the cultivation of edible live stock (fish and ducks).—*Municipal Journal and Public Works Engineer,* February 8, 1929.

✣

Public Control of Electricity.—The public body in England known as the Electricity Commissioners have just prepared their fifth regional scheme for the Mid-East. This area has an extent of 7,545 square miles. At the present time there are seventy-three authorized companies operating here with forty public generating stations. This number is to be reduced to eighteen, with provision for using certain of the other generating stations for the purpose of meeting emergency demands. The latter stations will, however, be discarded as soon as the plants become obsolete or too expensive to maintain.

It is anticipated that the average per capita consumption of electricity will rise from one hundred and eighty-three units to three hundred and twenty-one by 1934–35. To meet such an expanded demand it is planned to invest about four and one-half million pounds, three million of which are to be spent for transmission lines and transforming stations, including interest charges, and one million seven hundred thousand for extension purposes. It is estimated that such unified control and development will make possible a capital saving in investment of nearly one million pounds during the next six or seven years.—*Municipal Journal and Public Works Engineer*, January 25, 1929.

GOVERNMENTAL RESEARCH ASSOCIATION NOTES

EDITED BY RUSSELL FORBES

Secretary

Recent Reports of Research Agencies.—The following reports have been received at the central library of the Association since February 1, 1929.

Finance Commission, Boston:
- *Annual Report.*
- *Horace Mann School Situation.*
- *Report on House Bill No. 242, for the Purpose of Establishing the Tax Limit of the City at $12.75 for the Year 1929.*

Buffalo Municipal Research Bureau:
- *The Buffalo City Hospital.* A survey of the Buffalo City Hospital of Buffalo, New York, made for and at the request of the finance committee of the common council and the board of managers of the Buffalo City Hospital.

California Taxpayers' Association:
- *Road Cost Accounting System.*

Taxpayers Research League of Delaware:
- *Delaware's General Budget for the Fiscal Years Ending June 30, 1930 and 1931.*

Hawaii Bureau of Governmental Research:
- *Hand Book of the Government of the Territory of Hawaii.*
- *Report on the Proposed Extensions and Additions to Honolulu Sewer System and Water Works.*

Bureau of Governmental Research, Kansas City, Kansas City Chamber of Commerce:
- *Shall the Limit on the City's Tax Rate be Increased?* A report prepared at the request of the legislative committee of the Chamber of Commerce.

Citizens' Bureau of Milwaukee:
- *Report on Highways.*

Ohio Chamber of Commerce, Research Department:
- *Ohio Highway Revenue Forecast.*
- *Brief of Legal Advisory Committee.* Lending legal support to certain proposed amendments of the corporation franchise tax law and including a review of the entire corporation franchise tax problem.

Boston Finance Commission.—In January, the Commission reported upon unnecessary delay in the completion of an elementary school; upon the fact that no action had been taken to dispose of unused land owned by the city, and recommended that, before further purchases are made for playground sites, such lands be considered and either used or disposed of; upon bids received for the construction of a tunnel under Fort Point Channel, and recommended that the contract be awarded to the lowest bidder; and upon the investigation of the employment bureau under the direction of the mayor's office, and recommended a complete reorganization of the bureau.

In February, the Commission reported on an alleged attempt to obtain a bribe by certain members of the city government in connection with the so-called "Sunday sports law"; upon an award of a contract for furnishing water meters, recommending that the lowest bidder be given the award; upon the municipal budget for the year 1929 in connection with the fixing of the tax limit by the state legislature; and also reported to the state legislature in regard to a bill which was proposed to give authority for the filling in of part of Fort Point Channel and South Bay.

In accordance with a new arrangement made with the mayor, all the above reports, except those to the state legislature, have been submitted to the mayor to give him an opportunity to reply before publicity is given to the reports. Replies to all of them have not yet been received, so that the contents of all have not yet been made public.

In addition to these specific reports, the Commission has been engaged in the investigation of matters connected with various bills filed in the legislature affecting the finances of the city of Boston. It has also undertaken the investigation of many matters of a more or less routine nature concerning the departments of the city, some of which will be the subjects of later reports.

In its report to the legislature in regard to the tax limit, the Commission announced that it intended later to ask the Supreme Court of the Commonwealth to decide the question of the proper application of the funds received from taxes of other years.

*

Buffalo Municipal Research Bureau, Inc.—Since the first of the year, the Bureau has completed and reported three important surveys on which it has been engaged for some time past: (1) a survey of the division of water; (2) a survey of the Buffalo City Hospital; and (3) a survey of salaries with a new proposed schedule for the classified civil service, this latter study being made in conjunction with the Civil Service Commission. These surveys have not alone engaged the full attention of the local staff, but were made possible through the services of men from other bureaus. Captain Harrington Place of the Detroit Bureau of Governmental Research directed the water survey, while Dr. Carl E. McCombs of the National Institute of Public Administration and Raymond P. VanZandt of the Rochester Bureau of Municipal Research made the city hospital survey.

The Buffalo Bureau is at present carrying on its study of the annual budget now being prepared, continuing its work on accounting revision, assisting the City Planning Commission and the finance committee of the council on the preparation of a long-term financial program for permanent improvements, and conducting a study of delinquent tax sales.

*

California Taxpayers' Association.—A complete survey of the costs of government and governmental expenditures of Santa Barbara County has just been sent to press by the research department of the California Taxpayers' Association.

The research department has started a detailed analysis and study of the governmental functions and expenditures of the city government of Pasadena.

The last issue of the official publication of the Association, *The Tax Digest*, contains an analysis of all fiscal and appropriation bills introduced into the first session of the state legislature.

A study was made of the metropolitan park district bill and its effect upon Los Angeles and other California counties.

California newspapers have been giving considerable support to the photographic recording bill which is sponsored by the Association.

*

Citizens' Research Institute of Canada.—A report dealing with cost of government in Canada, Story No. 2 (provincial), has been issued, and requests for copies of this report have been received from all over the Dominion.

A report dealing with cost of government in Canada (federal) is in course of preparation and will be issued within the next few weeks.

The director spoke before a meeting of the men's and women's Canadian clubs at Edmonton, Alberta, on the subject of municipal government, particularly relating to Edmonton. The speech was broadcast.

*

Erie County (Pa.) Taxpayers' Association.—The Erie County Taxpayers' Association started active work on January 28, 1929, with John S. Rae as managing director, Harry A. Holmes as secretary-treasurer and Harry H. Freeman, director of the Buffalo Municipal Research Bureau, as consultant.

The Association intends to have high spot surveys of various departments made by out-of-town specialists, for a quick bird's-eye glance at local conditions. Cuthbert E. Reeves of Buffalo has completed the field work of such a study of the city assessment procedure. Captain A. Harrington Place of the Detroit Bureau will undertake a study of municipal waste, especially in relation to proposed bond issues.

The Association is coöperating with the mayor's committee of sixty-eight in the formulation of a bonding program, and in that connection has undertaken a study of the possible methods of retiring the present outstanding bonded indebtedness.

The director of finance has requested that the Association make a complete study of the entire special assessment procedure from the inception of the improvement to the payment of the bonds.

The Association is also undertaking a study of the effect on changes in the governmental structure of the city, should its population in 1930 reach 135,000 which automatically changes its rating under the laws of Pennsylvania from a third- to a second-class city.

Bureau of Civic Affairs, Toledo Chamber of Commerce.—The Bureau of Civic Affairs, in connection with its fire prevention committee, has drawn up a plan for a year-around campaign in fire prevention work. While Toledo has had a per capita fire loss only a little above the average of the large cities for the last five years, there is considerable room for improvement. The Bureau is urging the adoption of a fire prevention ordinance by the city council and has also asked that a fire prevention bureau be established.

The plan worked out by the Bureau for a continuous campaign against fire, provides for twelve groups of merchants and professional men, each group to take charge of the fire prevention activities for one month of the year. It is planned to have the groups carry on the work by means of window displays, posters, stickers, messages in pay envelopes, etc. The plan, as devised by the Bureau, is very similar to the one so successfully used in Grand Rapids and described in the NATIONAL MUNICIPAL REVIEW by City Manager Fred H. Locke. The fire chief and several members of the fire department have been consulted and are giving their whole-hearted coöperation in carrying out the plan.

The Bureau, through its city and county planning commission, has taken steps toward securing a grade separation on one of the dangerous railroad crossings just north of the city. It has also asked the county planning commission to make a survey of major thoroughfares through the city with a view to establishing set-back lines on all through thoroughfares.

Toledo Commission of Publicity and Efficiency.—An analysis of the report of the traffic inspector, published in the *City Journal*, showed that during the last year traffic fatalities have been reduced 7.3 per 100,000 in Toledo, a greater reduction than in any of the eleven cities in the same population class with Toledo. This study also revealed that Toledo was the only city over 300,000 included in the study that had reduced the accident rate at all. Several recommendations in the report involve situations that soon must be remedied.

The commission is at present engaged in a study looking toward practical steps which may be taken to secure the housing of buses in a private terminal rather than on the streets.

Other articles published include an article on smallpox, and an article on Toledo's mayors since 1837. The commission also published the report of the smoke inspector and hopes to aid his educational work through the smoke abatement league, and also secure for his work an observation tower with suitable equipment.

◆

Toronto Bureau of Municipal Research.—A report giving the personnel of the city government has been issued.

A report on civic financial control, Story No. 3, dealing with utilities operated by outside boards and commissions and covering a ten-year period, has been issued. This report received special notice from the daily press.

A letter has been sent to the members of the city council regarding the importance of city planning and drawing their attention to Bureau Report No. 136 on this question.

NOTES AND EVENTS

EDITED BY H. W. DODDS

Cleveland Election Frauds.—For ten years the Citizens League of Cleveland has been urging better election laws and better administration of existing election laws in the interest of honest elections. Bill after bill and code after code has been prepared, introduced, passed in one house, only to be killed by the political bosses in the other.

The people of Ohio, during these years, have been growing more and more suspicious of the election machinery which has been completely under the control of the two major party organizations. Even the count of the P. R. ballots in Cleveland and Cincinnati, especially the former city, has been seriously questioned.

But there has been no way of proving fraud because a recount has been practically impossible, ballots are destroyed thirty days after the election, and all unused ballots have been burned on the evening of the election. Sporadic outbreaks against election frauds have occurred in different cities and counties from time to time; but not extensively enough to arouse public opinion.

Finally, in the last party primary, the fraud and intimidation was so apparent in Cuyahoga County that the Bar Association called upon the governor to order an investigation by the attorney-general. Governor Vic Donahey asked Attorney-General E. C. Turner to proceed under a special grand jury to investigate the results of the primary election in Cuyahoga County. He went at it with vigor and the results were thirty-six indictments, the removal of the four members and two clerks of the board of elections, and a complete overhauling of the county's election control.

At the November election, a capable and high-minded young attorney on the Democratic ticket, Ray T. Miller, was elected county prosecutor in spite of the considerable Republican majority on the state ticket. This, together with the election of Gilbert Bettman as attorney-general, insured an effective prosecution of these indictments. Two juries were hung on the first case, but finally in the third trial the two offenders were convicted and will be sentenced in a few days. The attorney-general is already proceeding with the trial of other indictments.

Meanwhile, the new election code, prepared by the Citizens League, introduced by Senator Paul M. Herbert, and supported by Senator D. E. Morgan, has been reported out for passage and bids fair to pass both houses of the general assembly. After years of delay, the efforts of the Citizens League and other organizations for better election laws and administration in Ohio bid fair to be successful.

MAYO FESLER.

◆

Chicago Aldermanic Election.—With "Thompsonism" the predominant issue and His Honor taking no personal part in the campaign, Chicago went to the polls 51 per cent strong on February 26 to elect a new city council. Of fifty seats to be filled, four places were uncontested and thirty-five were elected outright, leaving contests in eleven wards to be settled at the "run-off" election on April 2. The vote was 682,874 out of a total registration of 1,340,729.

The veteran Municipal Voters' League and the newer Civic Safety Commission worked hand in hand to elect candidates in forty wards to whom they had given their endorsement. The latter organization is the rechristened group of business men which a year ago defeated Robert E. Crowe by capitalizing "pineapples" in the primary and nominating, and later electing, John A. Swanson as state's attorney of Cook County.

Of forty candidates endorsed by the League, seventeen were elected and nine were forced into the run-off. Twelve Thompsonites were elected, but four were thrown into the discard. One of these was Titus A. Haffa of the Forty-third, who persisted in being a candidate despite conviction and $11,000 fine in the federal court for being in a bootleg conspiracy. He was out on bond pending appeal.

Summing up on the morning after, the League said: "It is certain that the next council will be a great improvement over the present one, and will have at least a majority of aldermen who will think for themselves and resist the evil influence of the Thompson machine."

A proposition to give the city the power of excess condemnation of property in public improvements won by a three-to-two count.

EDWARD M. MARTIN.

*

County Manager Bill Before the Oklahoma Legislature.—Oklahoma, like other states, has an antiquated form of county government which presents the traditional picture of elected county commissioners, judge, attorney, court clerk, county clerk, sheriff, superintendent of schools, assessor, treasurer, weigher, and surveyor. These officials, receiving their authority directly from the people, feel responsible to no one. As a result inefficiency prevails generally, and corruption in some instances.

The government of Carter County has been one of the most notoriously inefficient and corrupt. Ardmore, the county seat, has had the city manager form of government for several years with great success. It was here that the county manager idea took shape. Senator U. T. Rexroat, a progressive public official, and some leading citizens of Ardmore believed that what was good for Ardmore would also work in the county.

About two weeks before the present legislature convened, Senator Rexroat requested assistance from the government department of the University of Oklahoma in drafting a county manager bill. Professors James W. Errant and W. C. Bryant were assigned to the task. The National Municipal League and the Legislative Reference Library of New York responded generously to the request for information. With this material as a background, and after a conference with Senator Rexroat a bill was drawn. A digest of its provisions follow:

1. Two forms of county government are recognized, the present form and the manager form. A county may adopt the manager form by a majority vote.

2. Three or five county commissioners, depending upon the desire of the county, and the county judge are the only elected officials.

3. The commission has policy making powers only and appoints a manager, attorney and auditor.

4. The manager is administrative head of the county government with safeguards thrown about him to protect him in the exercise of his functions.

5. All officers except the ones heretofore mentioned as still in existence are abolished and their duties and functions merged in six departments—finance, assessment, clerical, education, engineering, and public safety and welfare. The commission and manager are empowered to create new departments and combine or abolish present ones. The department heads are under the direct supervision of the manager.

Senator Rexroat is chairman of the committee on state and county affairs and anticipates no difficulty in securing the committee approval of his bill. He further indicates that there is no hostility to the measure in the legislature. However, no action can be anticipated until the trial of the governor has closed. A special session of the assembly will then be called, and Rexroat is certain that he can include the county manager bill in the governor's call. That is the present status of the county manager question in Oklahoma. Additional information will appear in later numbers of the REVIEW.

JAMES ERRANT.

Oklahoma Municipal League.

*

City Manager Plan in Kentucky.—Kentucky has passed through the second stage of its fight for city managers for its cities.

At the November election a referendum was held in Lexington, Covington, and Owensboro on the question of adoption of the city manager form, and in every instance the manager plan prevailed. In order to get permission to vote on the city manager plan, it was necessary to get a special act from the legislature.

The agitation for the city manager plan originated with the Chamber of Commerce in Lexington and the fight was pretty largely single-handed. There was a certain amount of support coming from a few of the second-class cities, but the support was not organized and therefore not so strong as it might have been.

The measure was brought up in the Senate first and was passed without a dissenting vote very early in the session. Apparently the "town hall gangs" of the various cities had been caught asleep. However, when the measure came to the House of Representatives the opposition began to show its hand.

At first the bill applied to second-class cities only, which would affect only five cities in the state. Immediately there came requests from cities of the third, fourth and fifth classes, that the bill be expanded to include all of these classes.

This proposal was considered by the friends of the measure, but in the end it was vetoed, because it was felt that the members of the lower house, many of whom come from small towns, would probably be largely influenced by the "town hall gangs" in the smaller towns, and that inclusion of the smaller towns would spell defeat for the measure. Finally they compromised by uniting with the third-class cities and allowed the measure to apply to both classes of cities. The smaller cities were promised the support of similar measures for their cities at later sessions of the legislature, provided the second- and third-class city bills succeeded.

Since the agitation for the city manager plan began in Lexington, it was but natural that they should be first in the field to submit the proposition to a referendum. As soon as the act was signed by the governor, its friends in Lexington organized a City Manager Club and prepared a petition to put the matter to referendum at the November election. The fight from that time on was largely a matter of education. The City Manager Club of Lexington was exceedingly fortunate in having a friendly press. One of the newspapers openly espoused the cause, and on its own initiative sent correspondents to Cincinnati and Dayton to gather information for a series of educational stories on the achievements of the city manager plan of government. The other paper, while it took no such open stand, was very favorable to the movement and gave its space generously to the propaganda put out by the City Manager Club.

The opposition refused to come out in the open and, so long as they remained in secret, the City Manager Club's speakers were forced to refrain from any open attack upon the administration. However, they redoubled their efforts in an attempt to educate the people in the virtues of the city manager plan of government in contrast with other plans now in operation.

The total cost of the city manager campaign in Lexington, exclusive of time spent by volunteer workers, was less than $10,000, all of which was met by private subscription of men and women who are taxpayers in the city and who are interested in securing more efficient government.

When the final election returns came in, the number of people voting for the city manager plan was more than 10,000, while those opposed were slightly more than 4,000. This compares with a vote of less than 18,000 cast in the presidential election on the same day and less than 8,000 cast on a sewer bond issue. The difference between the number voting in the city manager election and in the bond issue proposal seems to be a fairly good yardstick by which to measure correctly the efficiency of the work performed by the City Manager Club.

It is thought that the 3,000-odd voters who did not vote on either of the municipal issues were colored voters, or illiterate white voters, who were afraid that their attempt to vote in the city ballot might in some way spoil their vote in the presidential race. In any event, an analysis of the particular precincts which polled a small per cent in the city elections showed that in the precincts composed of colored people or of the poorer white people, less than 65 per cent of the voters voted either yes or no in the city election, while, in the better class white precincts, the number who voted in the city election on the city manager plan reached as high as 97 per cent of the vote cast in the national election.

J. CATRON JONES.

University of Kentucky.

EDITOR'S NOTE.—Since we received the foregoing from Mr. Jones, opponents of the manager government have begun a test case to determine the legality of Owensboro's new charter. The decision of the lower court was that the statute under which Owensboro voted was unconstitutional. An appeal has been taken, but should the supreme court sustain the lower court, the charters of Lexington and Covington will fall with that of Owensboro.

◆

The Wayfarers Travel Agency, 33 Gordon Square, London W. C. 1, is arranging a special tour for Americans who wish to study the coming general election in England. The complete price, including tourist third class on the steamships Majestic and Belgenland, is $450.

◆

Long-Term Budget Proposed for Michigan.—Governor Fred W. Green of Michigan has outlined a ten-year building program for state institutions, involving a total of fifty-three million dollars. Twenty-two million dollars of this amount, he believes, is needed during the next two years. This proposal is in line with the modern movement for long-term financial planning, and should receive more serious consideration from the state legislature than this body will probably give it. The governor proposes that the program be financed through a state income tax which will be levied only for the next four years. An income tax, however, would require a constitutional amendment, which the legislature at this writing seems unwilling to indorse.

*

The City Housing Corporation (Alexander M. Bing, president) announces that it has completed its plans for financing Radburn, the garden city for the motor age, now being erected near Paterson, New Jersey. A large part of the total capital requirements have been underwritten by a small group of men with Mr. Bing at the head. The balance will be raised through a public offering of 6 per cent limited dividend stock. The financial success of the City Housing Corporation in its Sunnyside Gardens undertaking on Long Island assures the safety of investments in Radburn. About two hundred houses are nearing completion there. Streets, water and gas mains, electricity, and sewers are being installed. A population of several thousand persons is expected by the end of the year. The construction program will be increased to approximately one thousand houses annually.

Investors who desire to make their funds work for social purposes will do well to investigate Radburn.

*

The Engineering Index Service Indexes the "National Municipal Review."—This journal is fully indexed—every issue, as soon as published—in a set of cards, which thus brings ready to your hand any article on any subject in this journal in all languages. This Engineering Index Service, instituted in January, 1928, is to be found in the public libraries of Newark, Cleveland, Bridgeport, Baltimore, and the John Crerar Library, Chicago.

Engineers in any field who live or work in New York or New Jersey will find this mammoth index to the latest engineering literature in the Public Library of Newark, New Jersey, which has this magazine on file. The Library is open daily from 9 A. M. to 9.30 P. M. It is convenient to all railroad stations. It answers inquiries by mail or by telephone.

*

Anti-Billboard Legislation in New Jersey.—It is reported that the outdoor advertising fraternity are fighting vigorously the bill now in the New Jersey legislature imposing a heavy tax on outdoor billboards, and requiring that they be set back 200 feet from highways outside city limits. Because of the heavy traffic on her highways, New Jersey probably suffers more from the billboard nuisance than any other state, and the passage of the proposed legislation will be approved by all except the few who make a personal profit from these scenic blights.

*

What Legislatures Worry About.—A secession movement seems to be under way in Kansas, if a concurrent resolution introduced into the lower house of the legislature is to be taken at face value. It appears from the resolution that the western part of the state is more progressive than the eastern portion where farm lands are passing into the hands of bankers, and the former free and independent farmers are being forced "to become members of the proletariat of the cities where the rich are growing richer and the poor are growing poorer." Moreover, it appears that western Kansas has never had a governor or United States senator, and precious few state officers, whether elected or appointed. For this reason the state of Kansas will, if the wishes of the sponsors of the resolution prevail, "be divided and bisected by a line drawn through the middle of said state from north to south," and the portion lying west of this line will be released from the jurisdiction of the state of Kansas. The resolution concludes that "if this be treason, then make the most of it."

*

"Greater Los Angeles Municipal News" is the name of a monthly publication which has been started to show how many millions can be saved each year through the consolidation of the various governments now operating in Los Angeles County. The first issue contains statements from Mayor Cryer, C. A. Dykstra, Dr. John Randolph Haynes, and others, advocating governmental simplification. We heartily endorse the program of the new publication, while regretting that they saw fit to reprint a considerable portion of an old supplement to the NATIONAL MUNICIPAL REVIEW without the usual credit to us.

*

Home Rule in Salary Fixing.—The Pennsylvania Salary Survey Commission (Clinton

Rogers Woodruff, chairman) has reported to the state legislature in favor of establishing home rule in fixing salaries by the localities. In Pennsylvania, as in other states, it has been the custom for the legislature to fix the salaries of employees whose work is entirely local in scope. The commission, therefore, recommends the creation of a county salary board in each county and of a municipal salary board in each municipality. All local public employees, except constitutional officers and members of legislative bodies, would come under the jurisdiction of these salary boards. To accomplish this commendable reform it will be necessary to repeal 124 laws now on the statute books dealing with salaries of local officers and employees. For the constitutional county officers the commission has reported a schedule of salaries based upon the classification of counties now in force.

*

Philadelphia Considers Purchasing P. R. T. Underliers.—The proposal to purchase the underlying properties of the Philadelphia Rapid Transit Company is now before the people of Philadelphia. The underliers are willing to be condemned for a total of $139,000,000. The P. R. T. would then presumably pay to the city the rental charges which it now pays to the stockholders of the underlying companies. Mitten Management strongly favors the proposition, but City Controller Hadley and other individuals and groups declare that $139,000,000 is too much to pay for dead horses. According to Harold Evans, writing in the REVIEW of last October, the paid-in capital of the underliers amounts at the most to $54,000,000, and their funded debts to $33,500,000, or a total of $87,500,000 as the maximum limit of original cost.

Recently three members of the city council, including the independent "Bill" Roper, charged that many public officials were on the P. R. T. pay roll, and demanded an inquiry to learn whether the company were not trying to bribe and corrupt "everybody it can."

*

St. Louis Considers New Plans for Consolidation.—Although the effort to annex St. Louis County to the city of St. Louis failed decisively in the November election in 1926, the newspapers report a new effort to solve the vexing question through some plan of federation. The chambers of commerce of the city and the county have agreed that some sort of borough system similar to that being drawn for Pittsburgh would be acceptable to both the city and the county. To establish such a system in Missouri will require an amendment to the state constitution. Those behind the project hope for a popular vote on the constitutional amendment in 1930. If the amendment carries, the legislature will be asked to pass the necessary enabling legislation in 1931.

*

Cincinnati Acts to End Unemployment.—During the past year the department of public welfare of Cincinnati has attempted through the director and various workers to keep an ear to the ground to detect employment trends. Studies have indicated that a great deal can be done by governmental and private sources working together to eliminate some of the suffering caused by unemployment. In consequence a committee of citizens was appointed early in January by City Manager C. O. Sherrill to study the question of stabilizing employment and to serve as a clearing house for efforts to relieve unemployment. The recommendations of the committee are said to be comprehensive and far-reaching.

The plan recommends:

1. That a committee to be known as the Permanent Committee on Stabilizing Employment be appointed, its studies and recommendations to embrace Hamilton County, Ohio, and Kenton and Campbell Counties, Kentucky.

2. That the purpose of this committee will be:
   (a) To study the problem of stabilizing employment.
   (b) To handle unemployment when this situation arises.

3. That work of the Permanent Committee on Stabilizing Employment be carried on through special subcommittees, these committees to be organized on a functional basis and to work with parallel committees representing geographical units such as Norwood, Covington, Newport, etc.

4. That ten permanent subcommittees be created as follows:
   (a) State-City Employment Exchange.
   (b) Continuous Employment.
   (c) Temporary Employment.
   (d) Public Works.
   (e) Coöperation of Agencies.
   (f) Budget and Finance.

(g) State and National Coöperation.
(h) Transients.
(i) Fact Finding.
(j) Publicity and Education.

The Committee on State-City Employment Exchange will coöperate with the Exchange in working out a system of classification of applicants, methods of forming contacts with the employment departments in factories, and other contacts which shall make more effective the placing of the unemployed.

The Committee on Continuous Employment will encourage the introduction of methods to stabilize employment. It will strive to work out with the employers of labor and others interested a method of reporting the per cent of activity of business, so that fluctuations in employment may be followed by the committee. It may suggest capital investments which will furnish labor during slack periods.

The Committee on Temporary Employment will study the possibilities of odd jobs about the homes, factories, etc., to ascertain possibilities in placing the unemployed during times of stress.

The use of unemployed men on public works will be encouraged by the Committee on Public Works, which will confer with the cities, villages and counties on construction and work programs. This committee will also encourage the prosecution of public works during slack periods of employment.

The Committee on Coöperation of Agencies will study the coördination of public and private social agencies that have to do with handling the residue of the unemployed during periods of stress.

Financial needs will be outlined by a Committee on Budget and Finance, which will have submitted to it the budget requirements of the various committees and will then study the means of financing the work of the committee and the securing of funds if needed.

The Committee on State and National Coöperation will analyze proposed state and national legislation on employment so that the point of view of this community may be expressed on contemplated legislation. This committee will coöperate with any state and national action that may be taken to stabilize employment or to handle unemployment situations when they arise.

The transient problem will be studied by a committee which will coöperate with the Transient Bureau soon to be a part of the public welfare department of the city, so that the transient and homeless may be taken care of in a sensible way. This committee will inform itself on the supply of labor and discourage outside labor coming to metropolitan Cincinnati at times when such labor is not needed.

An important Fact-Finding Committee will be responsible for assembling the facts secured through the various committees and for engineering research methods that will give a clear indication of the labor conditions in our metropolitan district.

The tenth committee, that on Publicity and Education, will inform the public on the employment situation and give out from time to time the results of the committee's activities. It is suggested further that this committee become familiar with the opportunities for vocational training and for the training of the handicapped and in other ways that may suggest themselves, to formulate programs that will further the education of workers to the end that employees may be placed in suitable positions.

NATIONAL MUNICIPAL REVIEW

PUBLISHED MONTHLY BY THE

National Municipal League

Vol. XVIII, No. 5 MAY, 1929 Total No. 155

CONTENTS

Editorial Comment .... *H. W. Dodds* 283
The Cork City Manager Plan — An Irish Experiment .... *John J. Horgan* 287
Election Frauds and Councilmanic Scandals Stir Cleveland .... *R. O. Huus and D. I. Cline* 289
Election Frauds in Philadelphia .... *Maynard C. Krueger* 294
New Local Government Reforms in England ... *William A. Robson* .. 300
New York Multiple Dwelling Law .... *Lawson Purdy* 305
A North Jersey Metropolitan District .... *Philip H. Cornick* .. 310
Both Sides Win — Worcester Electric Rate Case .... *John Bauer* 314
Special Municipal Corporations .... *F. H. Guild* 319

DEPARTMENTS

I. Recent Books Reviewed 324
II. Judicial Decisions .... *Edited by C. W. Tooke* 329
III. Public Utilities .... *Edited by John Bauer* 333
IV. Municipal Activities Abroad .... *Edited by W. E. Mosher* 337
V. Governmental Research Association Notes .... *Edited by Russell Forbes* 340
VI. American Municipal Association Notes .... *Edited by John G. Stutz* 344
VII. Notes and Events .... *Edited by H. W. Dodds* 347

GRIFFENHAGEN & ASSOCIATES, LTD
BUREAU OF PUBLIC SERVICE

Consultants and active assistants on the administrative and financial problems of public bodies in programs of review, audit, and constructive improvement; seventeen years of experience in the service of officials, legislators, and citizen organizations

HEADQUARTERS OFFICES **155 EAST SUPERIOR STREET, CHICAGO**
EASTERN OFFICES **MILLS BUILDING, WASHINGTON, D. C.**

THE LEAGUE'S BUSINESS

The League's Publicity Work Welcomed by the Press.—Our public relations bureau is off to a good start. Letters from editors and publishers throughout the country have been received by the National Municipal League in praise of its program of publicity and its coöperation in the supplying of information on up-to-date developments in state and local government.

To quote from a few unsolicited comments:

> "It is refreshing to find a free newspaper service that hasn't a nigger in the wood pile. Part of your communication reached the waste basket without reading, but afterward I looked over your editorial matter and found it to be good stuff. I am of course interested in better government, and, having been in the editorial harness nearly half a century, I have little left to desire except service to my fellow man. And promoting better government is part of that service. I will read your service with interest."—E. A. Hull, Publisher, *Marble Rock Journal*, Marble Rock, Iowa.
>
> "Your editorial, 'Confusion in the Temple,' hits the nail squarely on the head. Clearcut, constructive thinking is absolutely necessary, and gifted leaders are duty bound to use their minds to seek the welfare of our great and good commonwealth. Please put us on your regular mailing list."—M. Berghage, Publisher, *Standard-Bulletin*, Grand Rapids, Mich.
>
> "We want you to know that we are not only interested in good government but that we are using some of your newspaper releases. Send the material along. With cordial good wishes."—Edgar A. Davie, *The Talk*, Anna, Ill.
>
> "Of course I want to be on your list and will use as much of your matter as is possible. Rochester is in the throes of a campaign for the manager-commission form of city government, and I am a little in the dark regarding the matter. . . . Can you give us anything that will throw light on the subject?"—W. A. Fox, *Rochester Era*, Rochester, Mich.
>
> We are in receipt of your news dispatches and are using them. They are especially appropriate at this time as we are right in the midst of a campaign for the establishing of a city manager's government in Sedalia."—W. P. Stanley, *The Democrat*, Sedalia, Mo.

More than 600 editors have requested the weekly editorial service the League is now issuing, and more requests are coming in daily. Interest on the part of the press in governmental reform seems to be growing constantly.

◆

Committee on Teaching Municipal Government.—As announced on this page in October, 1928, the League appointed a preliminary committee on teaching municipal government under the chairmanship of Professor William Anderson, of the University of Minnesota. The preliminary committee conducted a survey to determine the nature of the courses being offered by colleges and universities in municipal government, and secured suggestions for the work of a preliminary committee. The preliminary committee urged that a permanent committee with a smaller personnel should be appointed. A permanent committee on this subject has now been appointed as follows:

H. W. Dodds, Editor, NATIONAL MUNICIPAL REVIEW, *Chairman*
Professor Joseph H. McGoldrick, Columbia University, *Secretary*
Professor John A. Fairlie, University of Illinois
Professor Clyde L. King, University of Pennsylvania
Hon. Murray Seasongood, Mayor of Cincinnati, Ohio
Stephen B. Story, City Manager, Rochester, N. Y.

RUSSELL FORBES, *Secretary.*

NATIONAL MUNICIPAL REVIEW

VOL. XVIII, NO. 5 MAY, 1929 TOTAL NO. 155

EDITORIAL COMMENT

The city of Los Angeles is conducting a Municipal Exhibit lasting from April to June. The exhibit includes civil service tests, park miniatures, the story of public health, models of public buildings and color reliefs of public improvements. It is under the direction of Roy A. Knox, director of the bureau of budget and efficiency of the city.

*

Under an ordinance recently passed by the Cincinnati council the taxicab industry of that city is definitely placed on a public utility basis and the principle of public convenience and necessity is applied to determine the number of taxicabs that should be licensed. Heretofore, Cincinnati, in common with most other cities, has placed no restriction on the number of taxicabs operating in the city. As a consequence the business has often been thrown into turmoil by influx of irresponsible operators. An interesting feature of the ordinance is permission to taxicabs to charge on the basis of zone rates or on a time basis measured by a taximeter.

*

After more than a year's study the charter commission of New Rochelle, N. Y., has reported to the city council in favor of the city manager form of government. Few charter commissions have approached their task with greater seriousness or more energy than that of New Rochelle. Scores of witnesses have been examined and numerous experts in the various fields of the local government have been interviewed. In addition, field studies of cities under the manager plan have been made by various members of the commission.

A unique feature of the proposed charter is the provision that during the first three years of the plan's operation no one may be appointed as manager who has not had at least three years experience in the profession. Edward S. Seidman is chairman of the commission and E. S. Bradford, author of *Commission Government in American Cities*, is secretary.

*

Of the sixteen measures introduced in the Pennsylvania legislature to improve the election administration in that state but three seem destined to pass. Of those which will probably succeed, the most important is the resolution to amend the state constitution to permit local option in the use of voting machines. The two other measures scheduled for passage are one to facilitate public inspection of election records and one requiring preservation of surplus ballots. In the past, investigations into election frauds have been hampered by the necessity of court order to examine election records and by the immediate destruction of surplus ballots the moment the polls had closed.

Important election reform bills which will probably fail include one for permanent registration for Philadelphia and Pittsburgh, one placing more stringent restrictions upon assistance to voter, one intended to kill the chain ballot, and another to establish a central depository for ballots in the larger counties of the state.

*

Real Motives of National Municipal League Revealed The following clipping from an Iowa newspaper is intended to expose the true purpose of the League. Similar sentiments are frequently expressed by other newspapers opposed to measures which we advocate. Happily such publicity appears to help and not to hinder us. As an organization we are bigger and better than ever.

> The National Municipal League has been sending out free dope from No. 261 Broadway, New York, to the newspapers, featuring up the beauties of the manager plan for municipalities, which is bigger bunk than the commission plan, and both intended to centralize power with a weak few, and those before election who are the most diplomatic in making promises usually win. We assume, however, the real propaganda is to and for those who are or may want to become managers at princely salaries and at the expense of the innocent tax payers. The beneficial results of the plan are not as claimed by the New Yorkers, and beware of their propaganda.

*

5-Cent Fare Decision Helps Jimmy Walker As our readers know, the United States Supreme Court has come to the defense of the 5-cent fare for the I. R. T. subway system in New York City. The issues involved and the questions which the Court did or did not settle are discussed by John Bauer in the Department of Public Utilities in this issue.

The subways operated by the Interborough Company are paying the company (though not the city) well. The company's difficulties grow out of the ruinous rental it pays for the elevated properties which it also operates. Last year the United States Statutory Court allowed it to lump the two and call them a unified system. This view the Supreme Court rejected.

The company claimed an eight per cent return on properties which it had leased from the city although the city has been willing to forego returns in favor of retaining the 5-cent fare. This claim the Court appears to have disallowed also.

With these two questions out of the way, the chance that the company can show that the present fare is confiscatory, even if the contract establishing it is not a contract involving an inflexible fare, is very slight. If it is to continue its litigation, it must now turn to the state courts for the determination of certain questions of state law. Only after these matter have been decided will it again be welcome in the United States courts.

The political effect of the decision is clear. Jimmy Walker will be renominated as Tammany's candidate for mayor. He will have little effective opposition. Hylan, who had been preparing to run on the 5-cent fare issue, is removed from the scene although he still protests that he will run on the issues of vice and buses. A few days before the decision was handed down the city announced that it planned to build another subway on the East Side. This news was received with great joy along Second Avenue. Now it may not be necessary to build this subway, before the election in November anyway.

*

Sad Fate of Crime Bills in State Legislatures All politicians talk about crime abatement; few seem to want to do anything about it. Yet crime surveys are the order of the day, and in general, their findings agree on a few fundamental reforms. Appropriate legislation is then prepared and introduced but somehow becomes sidetracked during the legislative sessions. Wise men doubtless can explain why needed reforms about which everyone seems to agree are thus frustrated. Many have a suspicion that the preponderant number of lawyers in our state legislatures has something to do with it. The bar has never been a pioneer and it is perhaps well that it is not. But the time is already overdue when it should purge itself of the charge that its members often preach reform while in their hearts desiring no change.

In the Notes and Events department of this number, Bruce Smith reports that but half the bills introduced by the Baumes Commission passed in New York. Compared with other states this is a small percentage of failure. Three years ago Missouri conducted a comprehensive crime survey; its findings make a formidable volume. Yet, according to the *St. Louis Globe-Democrat*, of the measures recommended by the surveyors, all of them the product of careful study and investigation, not a single one of importance has passed the legislature. On the contrary, they have been treated with contempt and their authors have been reviled as if they were enemies of the state.

At this writing there are before the Pennsylvania legislature twenty-one bills designed to modernize criminal law and procedure, as crime has been modernized. Two have passed; the others face defeat. Yet the twenty-one embody the conclusions of the state crime commission, a judicial conference of all the judges of the state, and the District Attorneys' Association of Pennsylvania. Among the measures which will probably fail are bills—

> Permitting the prosecution to comment upon the failure of a defendant to take the witness stand.
>
> Providing for the examination of talesmen by the judge instead of the opposing lawyers.
>
> Making bail-jumping a crime.
>
> Permitting defendants, except in capital cases, to waive trial by jury.
>
> Requiring licenses and registration for the possession of firearms.
>
> Five bills simplifying procedure, regulating dilatory motions, reducing time allowed for appeals, etc.

The late Governor Hadley laid the blame squarely at the door of the lawyers when he said:

> The reason is that our legislatures have generally been controlled by lawyers, who have been disposed to look at such questions from the standpoint of defendants' counsel. These men have been more in favor of the maintenance of existing procedure, under which they can practice effectively, than in procuring a system which will result in prompt and certain conviction of the guilty.

The *Philadelphia Record* adds: "Let the lawyers from Racketville stand up and be counted."

*

Graft Number of National Municipal Review

Exposures of municipal corruption are beginning to be the order of the day. In this issue are told the stories of election frauds in Philadelphia and Cleveland, of councilmanic scandals in Cleveland, of revelations of police connection with crime and vice in Philadelphia, and of the indictment of prominent officials in Los Angeles.

In Cleveland two precinct election officials have received prison sentences of one to three years, and three have been acquitted. Twenty-six are still under indictment and their prosecution will probably be continued by the attorney-general. One councilman was convicted of bribery and given a sentence of two years and nine months. Another councilman has been sentenced to the state penitentiary for a term of five to ten years and his son given a sentence of one to ten years, both for graft in connection with land purchases by the city. Specific charges of similar irregularities have been made against another councilman and will probably be investigated by the grand jury. Other accusations of irregularities in land purchases have been made and will probably receive attention by the grand jury. The grand jury refused to indict the county sheriff for expense bills padded about ten years ago. Another councilman, the chairman of the building codes committee of council, is under indictment for soliciting and accepting $500 for aid in securing a building permit. As Mr. Huus points out, there is little evidence that the political organization in control of the city has suffered any change of heart. But the revelations have undoubtedly reduced the prestige of Manager Hopkins and the present form of city government; and the perennial movement for a return to the elective mayor and council plan has received new impetus.

In Philadelphia a sorry alliance between crime and the police was revealed by a special grand jury. The bootlegging industry was shown to be taking advantage of large scale production, division of labor and specially created investment corporations such as any other large industry might do. While scores of ordinary cops were exposed the "higher-ups" could not be indicted. They had so protected themselves that their names seldom figured in their transactions and the "lower downs" refused to give the information necessary for the indictment of the real offenders. According to Mr. Krueger, writing in the Notes and Events Department of this issue, the exposé has not disturbed Philadelphia's contentment nor brought alarm to City Hall. While the grand jury was being discharged in Philadelphia the new optional charter bill was being quietly smothered at Harrisburg.

In Los Angeles, Mr. Dykstra informs us, the district attorney has been sentenced to serve one to fourteen years in the state penitentiary for soliciting and accepting bribes and a judge is undergoing impeachment proceedings before the state senate for receiving money from Angelus Temple run by the well known Amie Semple McPherson.

*

A New Dwelling Law for New York The much discussed multiple dwelling bill for New York City has finally received the approval of Governor Roosevelt and is now law. Its provisions are fully explained on page 305 of this issue by Lawson Purdy, who was among the three most prominent advocates of it. As far as New York City is concerned, the famous tenement house law of 1901 is repealed by this act. Buffalo, however, will continue under the earlier statute.

The new measure does not go so far as the bill which failed last year and which was too radical for the real estate interests. For this reason a compromise measure was introduced this year. Although endorsed by the more responsible real estate organizations, the compromise faced attach from three groups, viz., certain reactionary real estate operators, reformers who denied that half a loaf was better than no bread, and Mayor Walker and his organization who deemed the bill an infringement of the city's home rule power.

THE CORK CITY MANAGER PLAN
AN IRISH EXPERIMENT

BY JOHN J. HORGAN

Cork, Ireland

The city manager plan has been introduced in Ireland with certain modifications over the American prototype. The new system explained by the man who drafted it. :: :: :: :: :: :: ::

THE city of Cork in the Irish Free State is about to inaugurate a new system of government which ought to be of interest to American students of local government, as it is the first application of the American city manager plan to a European city.

Up to four years ago the city of Cork was governed by a mayor and council on the lines of other Irish cities, but at that time, owing to complaints of maladministration made by the citizens, the Cork council was dissolved by an order of the national minister for local government and a paid government commissioner was appointed to manage the affairs of the city. He was answerable to the minister for local government and not to the people of Cork. Outside the parties immediately interested, there was very little criticism of this revolutionary step. Most people who expressed an opinion seemed to look upon the reinstatement of the old council, or its counterpart, after a decent interval, as a foregone conclusion. A few Cork citizens, however, thought it was neither possible nor desirable to return to the old régime or to continue the new autocratic commissioner rule. They felt that the problem was to formulate a new system of municipal government for Cork which, having regard to modern experience elsewhere, would embody the best features of the old system and the new, and which in time if successful could be applied to the whole country. It seemed to them that the best feature of the old mayor and council system was that it brought local taxation directly under local control, and that the best feature of the new commissioner management was that it removed the details of local administration and public appointments out of direct local control and applied to them the ordinary methods of efficient business administration.

NOT A SLAVISH COPY OF THE AMERICAN PLAN

With these ideas and principles in mind a committee of representative citizens asked the present writer to draft a scheme for the future government of Cork, and this scheme after discussion and modification was finally adopted by the government of the Irish Free State and will have become law probably before this article appears in print. Although chiefly influenced by American and German experience and methods of local government, it is not a slavish copy of either and only takes from them what is directly applicable to local needs.

The new Cork City Manager Act provides that the city of Cork will be governed by a council of twenty-one members elected by the city at large, and by a city manager. The council shall directly exercise and perform all the following powers functions, and duties, namely—the making of any rate or tax, the borrowing of any moneys, the making, amending, or revoking of any bye-law, the making of any order by which any permissive act of parliament is applied to the city, the promotion or the opposing of legislation in parliament, the election of a lord mayor, the prosecution and defence of legal proceedings, the appointment or election of any person to be a member of any public body, the management of local elections, the admission of persons to the honor of the freedom of the city, the suspension and removal of the city manager if carried by a two-thirds majority of the council and sanctioned by the minister for local government, the fixing of the salaries of the lord mayor and the city manager.

The minister for local government may by order further extend the powers, functions and duties of the council on an application made by two-thirds of the council and may similarly revoke same. All other functions and duties save those mentioned above shall be exercised and performed by the city manager, and the first city manager is to be Commissioner Monahan, who has now managed the civic affairs of Cork for four years. His successor shall be appointed by the Local Appointments Commission, a civil service body which makes all the important local appointments in the Free State.

It shall be the duty of the city manager to advise the council on policy and attend its meetings. He is also bound to furnish the lord mayor, who will be the civic and ceremonial head of the city, with any information he requires and with a monthly financial statement of the council's position. He shall control the officers and servants of the city and shall decide all such questions as may arise in relation to their service, remuneration, privileges and superannuation. He shall act by signed order and the town clerk shall keep a register of all such orders which shall be produced at every meeting of the council. He shall prepare each year an estimate of the amounts necessary to meet the requirements of the city for the coming year, and this estimate or budget will after a fortnight's notice be discussed by the council at the annual taxation meeting at which it shall be adopted, with or without modification as the council sees fit. In case the city manager is absent through illness, or in case of his suspension, the lord mayor shall have power to appoint a deputy manager who shall have all the powers of the city manager.

RELATION BETWEEN LORD MAYOR AND MANAGER

After the first election of the full council seven members will retire each year and their places will be filled by the same method of election. It will be realized that the success of this new system will depend to a considerable extent, at least in its initial stages, on the relations existing between the lord mayor and the city manager. The lord mayor will be in effect the civic head and the mouthpiece of the council and the citizens, the city manager the administrative controller of the city machinery. The lord mayor should be the spokesman for the manager and the liaison officer between the manager and the council. The manager must accept the broad general policy of the council as expressed by the majority, be it for high or low expenditure.

It will be the council's business to decide how much is to be spent and the projects on which it is to be spent. The manager's task will be to see that the money so spent is spent to the best advantage. He cannot prevent the council from being niggardly in expenditure, neither can he prevent it from expending money on works which he may regard as worthless.

Two aspects of the Cork plan are supremely important. In the first place it has been designed and devised by Corkmen for the sole purpose of providing Cork with an efficient system of city government. In the second place, and this is the corollary of the first, it has not been devised for the benefit of any section or class in the community. Its authors believe that the prosperity of Cork is intimately bound up with its municipal government. A well managed city with the natural advantages of Cork is bound to prosper and if it prospers all sections and classes of the community will benefit. Let us hope that the people of Cork will elect their best citizens to their new council. If this happens there can be little doubt that before many years are over the other cities of the Free State will seek similar powers and that Cork, not for the first time, will have set a headline for Ireland.

ELECTION FRAUDS AND COUNCILMANIC SCANDALS STIR CLEVELAND

BY R. O. HUUS AND D. I. CLINE

Revelations of graft with subsequent indictments and convictions of city officials have featured the new year in Cleveland. The scandals have renewed activity in favor of abolishing the city manager charter.

THE activities of the newly elected county prosecutor, Ray T. Miller, and Attorney Generals Edward C. Turner and Gilbert Bettman, in uncovering and prosecuting local election frauds and councilmanic scandals have furthered movements either to reform or to abolish the present city manager plan in Cleveland.

Following the defeat in April, 1928, of the attempt of Harry L. Davis to overthrow the city manager plan, there was a brief lull in Cleveland politics. However, as the August primaries approached an insurgent movement against Maschke, Republican leader, developed within the party ranks, for the nominations for county prosecutor and sheriff. The independents nominated George B. Harris for county prosecutor, against Arthur H. Day, Maschke's choice. Harris, together with Ray T. Miller, the outstanding Democratic candidate, received the endorsement of the Cleveland Bar Association. For county sheriff the Republican organization backed J. G. Tomson, former street commissioner, who had resigned under charges of using the office for party patronage. E. J. Hanratty, the present sheriff, was supported by the Democratic organization.

Maschke's choices, Day and Tomson, won the Republican primaries. Miller and Hanratty became their Democratic opponents. The struggle for the key positions of sheriff and prosecutor was on.

An interesting feature of the primaries was the unusually large vote received by Peter Witt, well-known independent, as a Democratic gubernatorial candidate. Witt's total vote in Cuyahoga County of 31,672 against 2,954 votes for Davey, the leading

Democratic candidate, revealed his strength as a potential political leader of Democratic or independent groups. This was Witt's first indorsement by the Democratic organization in thirteen years.

MASCHKE LOSES CONTROL OF PROSECUTOR'S OFFICE

Throughout the entire election campaign, Arthur H. Day repeatedly endorsed the administration of Prosecutor Edward Stanton, who had been in office eight years, promising if elected a continuance of its "splendid record." Two of the local newspapers, the Citizens' League, many independent Republican groups, and the Democratic organization rallied to the support of Miller. The fact that the Bar Association threw its endorsement to Harris and to Miller weighed heavily against Day. The *Plain Dealer* characterized this "splendid record" as follows: "The boasted efficiency of the Stanton administration is to be found in a record of inaction, of indictments nolled, of charges reduced, of unmerited clemency recommended, of inefficiency at the trial table, and of refusals to respond to appeals for action to clean up crime conditions." The Citizens' League bulletin on candidates urged the defeat of Day, saying, "The important office of prosecuting attorney demands the election of a man with a better record in public office and a different attitude toward public service," and that "he is not fitted for the prosecution of crime and the enforcement of law."

The Republican organization was stirred to extraordinary activity. Maschke, personally, took the stump in defense of the Republican slate, thus emphasizing the importance of Day's election. Miller centered his charges against the Stanton administration, citing the prevalence of racketeering activities and the miscarriage of justice due to partisan and political influences. With an entirely new election board in control on November 6, the Democrats succeeded in electing Miller and Hanratty, despite the fact that the Republicans carried every other elective office in the county. The victories were by scant margins, however, Miller's vote exceeding Day's by 3.4 per cent, and Hanratty's exceeding Tomson's by 6.4 per cent. The widespread splitting of the tickets, both in Cleveland and in the suburbs, made possible their election and was a rebuke to Maschke from within the ranks of his own party. Later events indicated that the choice of Miller for prosecutor was the outstanding local event of the election.

For some time elements within the Democratic party have been dissatisfied with the lack of aggressive opposition on the part of Burr Gongwer, Democratic party leader. It has been frequently asserted that an understanding exists between him and the leaders of the other party.

ELECTION FRAUDS

Charges of fraud in city and county elections have been frequent in recent years. An Honest Elections Committee was formed to observe the balloting at the primaries on August 14. After the primaries this committee secured the arrests of ten election officials who had refused to allow challengers and inspectors to enter polling booths. Evidences of irregularity were turned over to the Cleveland Bar Association, and on September 8 the Association urged Governor Vic Donahey to send the attorney general to Cleveland to conduct a grand jury investigation. Three days later Attorney General Edward Turner arrived. On October 27, the grand jury recommended the removal of three of the four members of the county board of elections and all of the employees, and their replacement before the election. The grand jury excepted Mrs. Bernice Pyke, Democrat, because of her recent appointment to the board, her willingness to coöperate with the grand jury, and her apparent endeavors to improve election conditions. The recommendations were sent to the secretary of state, Clarence J. Brown, who came to Cleveland, reviewed the evidence and on October 30 dismissed the entire board of elections including Mrs. Pyke. His reasons for including her were that "she could have acquainted herself with the duties, she failed to report the dereliction of the others, and while not morally as derelict is legally as responsible."

Amid the resulting confusion Secretary of State Brown appointed two out-of-town custodians of election machinery to take charge and assist the new board. The consensus of opinion was that the new board appointed by the secretary of state was better than the old one, although there are evidences that some of its members are not entirely immune to partisan influences. The board immediately dismissed 378 of the old booth officials, and the election held on November 6 with the assistance of the two custodians was the first in recent years to be free from charges of fraud.

ELECTION OFFICIALS COME TO TRIAL

As a result of the evidence submitted by Attorney General Turner, the grand jury on December 7 returned indictments for election frauds against thirty-one precinct officials. In the first case the trial jury after a thirty-five hour deadlock was dismissed by the presiding judge. On January 16 the newly elected attorney general arrived in Cleveland to continue the prosecution but the second trial resulted in acquittal. On February 5 two of the three defendants of the first trial were retried but the trial jury was again deadlocked and dismissed. However, the third retrial of these same defendants resulted on March 12 in a jury conviction of both men. The fifth trial case involving three persons resulted in acquittals. To date the five election fraud trials already completed have resulted in the conviction of two of the thirty-one persons indicted, with prison sentences of one to three years. Prosecution of the other indicted persons will probably be continued by the attorney general.

COUNCILMEN CONVICTED IN BRIBERY AND LAND DEAL SCANDALS

While the vote fraud trials were going on, the public was again aroused by charges of Walter Oehme, a disabled ex-policeman, that Thomas W. Fleming, a prominent colored leader of the eleventh ward and a lieutenant of Maurice Maschke, solicited and accepted a bribe of $200. Mr. Fleming had been a councilman for fifteen years and, at the time, was chairman of the police and fire committee. On February 8 a trial jury convicted Fleming of accepting a bribe for introducing legislation in the city council to reimburse Oehme for a $1,740 medical bill acquired as the result of an accident while on duty. He was given a prison sentence of two years and nine months. The case has been carried to the court of appeals. One of the features of Fleming's defense was his use of character witnesses, among whom were the mayor, the city clerk, and some judges of the court of common pleas. On February 9 Fleming announced his resignation from the council and Reverend Russel Brown, a well-known religious and social worker among the colored groups, was elected with the support of the Republican members. Fleming's conviction and his consequent withdrawal as a party leader were a severe blow to the prestige of the Republican organization. This was the first important case of the newly elected prosecutor, Ray T. Miller, and it gave evidence of the energy and ability that have characterized his later prosecutions.

Quickly following the Fleming conviction the newspapers were again furnished with a new sensation based on specific charges against a number of other councilmen. On February 11, Dr. F. W. Walz charged that his fellow councilman, William G. Gibbons, chairman of the city property committee, had introduced a resolution on November 26 to have the city pay $47,500 for a playground site that was worth only $22,750. "That," Walz is reported to have said, "makes a $200 man look like a piker." The subsequent investigation as to the market value of the lots in the playground site resulted in widely varying appraisals. The most significant probably was the appraisal of the Cleveland Real Estate Board, which was $23,660. The investigating committee approved the appraisal of $23,660 of the Real Estate Board as the fair price of the land and commended City Manager Hopkins for disapproving the resolution because the price was too high. No material evidence of irregularities was discovered. Mr. Gibbons has stated that he has no intention of resigning. It is probable that an investigation of this case will be continued by the next term of the grand jury in April.

While the Gibbons case was being investigated, Miller presented evidence to the grand jury showing that L. G. Schooley, chairman of the council's finance committee, and his son, Gresham Schooley, had profited from a city land purchase. On February 20 both of the Schooleys were indicted and pled not guilty. At the trial the plea was changed to guilty, and a few days later L. G. Schooley was given a state penitentiary term of from five to ten years, while his son was given a term of from one to ten years. This case also involved playground properties which the city purchased for a total of $83,250 as a result of a resolution introduced by Councilman William E. Potter on October 9, 1928. The owner of the properties received only $49,678 of this amount, leaving a balance of $33,572 to be accounted for. Of this amount $30,000 was traced, at least in the first instance, directly to the Schooleys. Although prosecutor Miller promised leniency to the Schooleys before the sentence was imposed if they would divulge the names of others involved in the deal, they refused to make any admissions other than their own guilt. The Cleveland Real Estate Board's appraisal of these properties was only $44,016, although City Manager Hopkins maintained during the investigation that the land was worth the $83,250 that the city paid. When asked to comment on the matter of Schooley's resignation from the council, Mr. Maschke replied, "I have not asked Schooley to resign; I consider that question is a matter between Mr. Schooley and his own conscience."

The next case calling for the attention of the prosecutor was a purchase made by the city during July, 1927, of Gordon Gardens, a part of the lake front development plan, for $365,000. Testimony before the grand jury brought out the fact that the agent who had handled the transaction for the owner had received a fee of $47,500. The investigation of this case will probably be continued by the new grand jury. Another land deal uncovered involved the purchase of property by the city for widening Pershing Avenue. The resolution to purchase this was introduced by councilman A. B.

Sprosty, chairman of the streets committee and one of the key members of the Republican organization in the council. It is claimed that Mr. Sprosty as a director of the Atlas Savings and Loan Company approved loans granted to the Atlas Finance Company for the purpose of acquiring land parcels of property to be used by the city for this street widening. This case is still incomplete.

The next case concerned the Democratic county sheriff, E. J. Hanratty. It was alleged that expense bills under the jurisdiction of the sheriff had been padded between the years 1917 and 1921. These charges were based on an investigation of the state bureau of inspection and supervision of public offices, recently released. No indictments were returned by the grand jury. The fact that restitution had been made and the time that had elapsed influenced the mind of the grand jury.

The last councilmanic case concerned William E. Potter, chairman of the building codes committee. He was indicted on charges of soliciting and accepting $500 for using his influence to have a building permit reissued after the original permit had been revoked. The jury trial of this case is set for April 15.

The latest sensation is the investigation of the local civil service commission by a special committee of the council, to determine the validity of charges of political influence in applying the merit system.

EFFECTS OF VOTE FRAUDS AND GRAFT EXPOSURES

This entire political drama has revolved around the activities of Attorney Generals Turner and Bettman and County Prosecutor Miller. Even within this short time Miller's prosecution of cases has been in striking contrast to that of his predecessor, Edward C. Stanton.

Although a house cleaning has been going on, there is little evidence that Mr. Maschke and the majority membership of the county Republican committee have experienced any change of heart. Republican leaders have, for the most part, met the numerous evidences of fraud and graft with silence, evasion, excuse, and even defense. Responsibility for existing conditions lies squarely with Mr. Maschke and the Republican county executive committee.

Of immediate interest is the effect of these exposures on the present city manager charter. In view of the two recent attempts to overthrow the charter, which were almost successful, and the tendency to associate the exposure with the manager plan, the situation is serious. For the most part, the regulars of both parties are hostile to both the city manager plan and proportional representation. On the other hand, a great many people feel that some revised form of the mayor-council plan would be an improvement over the present set-up. In the heat of the conflict many of the independent voters and leaders on both sides have lost sight of the salient fact that the city manager charter has been in the hands of its enemies from the beginning, and that the city manager plan has not yet been given a fair or adequate trial.

NEW CHARTER PLANS

Petitions are now being circulated for the Downer-Danaceau Charter providing for an elective mayor, a council of thirty-three members, nominated by petition, and elected from wards. The organization sponsoring this charter calls itself the Committee for the Federal Plan and is emphasizing the necessity of a popularly elected chief executive. It is sponsored by unaffiliated independents and some friends of Peter Witt, although Witt personally does not favor this charter. Harry L. Davis, who led the fight against the manager charter in the last two contests, and whose own charter petitions were recently rejected by the council for irregularities, has endorsed this charter. It is said that petitions for another charter, also sponsored by supporters of Witt, will be out very soon. This charter also provides for an elective mayor, with a small council of nine elected at large under proportional representation. Neither Mr. Maschke nor other Republican organization leaders have committed themselves, but are known to prefer the mayor-council form without proportional representation. No defense of the manager charter has yet crystallized.

It is possible that the present charter will be either revised or overthrown. Even if the new attacks fail, there will be some new faces in the council after the fall election. The ultimate effects of the fraud and graft probes on Cleveland's city government cannot yet be foretold.

ELECTION FRAUDS IN PHILADELPHIA

BY MAYNARD C. KRUEGER

University of Pennsylvania

As the last Congress was drawing to a close, the Reed investigating committee reported on William S. Vare's election to the Senate. Its findings confirm our worst fears. Had the committee examined more Philadelphia witnesses, additional quantities of damning evidence of fraud would undoubtedly have been revealed. :: ::

WHEN Governor Pinchot reported to the senate the results of the election of November 2, 1926, he certified that "on the face of the returns filed William S. Vare appears to have been chosen by the qualified electors of Pennsylvania a senator from said state." He refused, however, to certify that Mr. Vare had been "duly chosen," being convinced "that his nomination was partly bought and partly stolen, and that frauds committed in his interest have tainted both the primary and the general election." Mr. Pinchot did not believe that the election returns correctly represented the will of the sovereign voters of Pennsylvania.

A senate resolution instructed the special committee investigating expenditures in senatorial primary and general elections to inquire into the election of Mr. Vare. Despite obstructionist tactics in Washington and in Pennsylvania, the records of the November election were finally obtained by the committee. The results of the investigation are available in Senate Report No. 1858, submitted to the senate by Mr. James A. Reed, chairman of the committee, in February, 1929.

ELECTION PRACTICES IN PHILADELPHIA

Philadelphia is controlled politically by the Republican party. The Republican party machinery is and has been for years in the hands of the "regulars." For years the "regulars" have been led by the Vare family, nearly always to victory, the chief reward for success being the ninety-million-dollar city budget. In 1926 for the first time the local political leader, who inherited the organization from his brother, aspired to a seat in the United States senate. The methods used in obtaining his election are of significance because they represent the common means of subsistence of the political organization which dominates Philadelphia.

A qualified voter in Pennsylvania must, within two years of the election, have paid a state or county tax. In Philadelphia the usual method of compliance is the payment of a poll tax. In 1926 this poll tax was 50 cents. The tax receipt cannot be legally issued except to the person against whom the tax was assessed or upon his written order, and any person who votes on a receipt illegally issued is subject to fine and imprisonment.

The receiver of taxes in Philadelphia testified that deliberate violation of this act was customary in Philadelphia. A member of the regular organization could purchase poll tax receipts in groups, but when independent groups tried to do so the receipts were refused. The senate committee examined the stubs of all receipts qualifying electors for voting in any of Philadelphia's 1,500 election districts in 1926. In many of the districts the stub books carried notations on the back showing how many of the receipts had actually been paid for, and many of the stubs bore marks of various sorts or the names or initials of political workers. In all, the investigation showed that in 674 divisions, more than a third of the entire city, 21,572 poll tax receipts had been illegally issued to qualify voters for registration.

Before the senatorial primaries of May, 1926, thousands of names were struck off the registration lists of 1925 because of fraud. Registration for the election of November was so late, however, that the registers could not be examined before October 23, after which no names could legally be challenged.

PADDING THE LISTS MOST COMMON FRAUD

Of the various forms of registration fraud, the most common was the padding of the lists by writing in the names of real or fictitious persons whose signatures in the registry books were forged, and for whom later fraudulent ballots were cast. In 167 divisions selected at random, the signatures in the registry books were examined by experts for the committee. The lists included dead people, unnaturalized foreigners, and children. In 151 divisions 1,547 signatures were forged by persons who made the entries which registrars alone are allowed to make. Some signatures in addition were falsified by persons other than the registrars.

A favorite method of padding the registration books was that of signing for "illiterates." An examination of all registrations made by mark showed 9,574 not supported by affidavit, and therefore illegal and possibly fraudulent. The committee estimated the total number of names fraudulently entered by registrars at 14,000, and by others at about 4,000.

Of the 1,500 election districts in Philadelphia the senatorial vote was correctly counted by the election officers in but 181 districts. By the recount Vare lost 6,096 votes in 905 divisions and gained 894 in 258 divisions, a net loss of 5,202 votes; his opponent, Mr. Wilson, gained 5,918 in 958 divisions and lost 418 in 148 divisions, a net gain of 5,500 votes.

INTENTIONALLY FRAUDULENT RETURNS

When the court of common pleas canvassed the returns of this election, the officers of the second division of the thirty-sixth ward were found guilty of intentionally making a fraudulent return: the tally sheets were bare of tallies, and Vare had been credited with seven too many votes while Wilson's return was five too few. Under this definition of what constitutes an intentionally fraudulent return, the election officers of 141 divisions are guilty of such offense, for in that many divisions the tally sheets showed no tallies and 12 or more votes were gratuitously added to Vare's majority over Wilson.

The law requires that votes be recorded on the tally sheets as they are counted, and each sheet contains clearly printed instructions for its use. In 614 divisions, nevertheless, no tallies were entered in support of the total vote returned for senatorial candidates. In these districts there exists no evidence that the votes were ever counted as required by law.

Registration books are filled out in duplicate for each election district. At the election one of these books is called the ballot check list and the other the voting check list. The law requires that as each voter receives his ballot a check be placed opposite his name in the column specified for the purpose in the ballot check list. When he casts his vote the same record is made in the voting check list. In addition to these two records the law requires that a list of voters be made, wherein the election officers shall inscribe the name of each voter as he appears and casts his ballot.

After an examination of the records of twenty election divisions selected at random from twenty different wards, the senate committee reported that "the making of these records was attended throughout by the grossest carelessness, that no real attempt was made to comply with the strict provisions of the law with regard to them, and that no reliable record exists of the persons who voted at this election."

The three records do exist, but they show violent discrepancies. In the twenty divisions examined, eighty-five persons were recorded as having voted without having received ballots; sixty-seven received ballots but were not recorded as having voted; 164 names were checked in the ballot check list but were not to be found on the list of voters; 137 names appearing on the list of voters were not checked as having voted.

Because of the discrepancies in the records of these twenty divisions the senate committee caused to be examined the voting check lists and the lists of voters for the entire city, in order to determine the extent of voting without registration. For twenty years election officers in Philadelphia have been required by law to examine the registration books before allowing any person to vote, and knowingly to accept the vote of a person not registered is an offense punishable by fine not exceeding $1,000, or imprisonment not exceeding five years, or both. Nevertheless votes of persons not registered were accepted by election officers in every one of Philadelphia's 48 wards. In one ward 110 such votes were cast and the names written in the list of voters. The total for the whole city was more than 2,000 ballots cast by or for persons who had not registered. In more than half of Philadelphia's 1,500 election districts the election officers are therefore subject to maximum penalties of $1,000 and five years each.

REPEATING

Another method of concealing the deposit of fraudulent ballots was revealed by the presence of 635 names each written a second or third time in the list of voters. Whether or not these persons cast their own first ballots cannot be ascertained, but it is certain that the election officers were implicated in the casting of all seconds. These officers evidently held that it was more reasonable to cover a stuffed ballot by entering a second time the name of a duly registered voter, with or without his consent, than to enter for the first time the name of a person who had not registered.

In many cases, however, the election officers either found it impossible or considered it unnecessary to write sufficient extra names in the list of voters to conceal all of the stuffed ballots. In 395 divisions the number of ballots in the boxes exceeded the number of names in the lists of voters, and in 699 divisions there were more ballots in the boxes than names checked on the voting check list. Each of these ballots is evidence of either fraud or criminal carelessness.

To determine whether carelessness might be the proper explanation of the discrepancies, the senate committee had the lists of voters examined for alterations and erasures. Five thousand two hundred and fifty-four such cases were found, many of them incomplete and disclosing frequent substitution of entirely different names or of persons of different sex. Such alterations cannot be explained by the necessity of correcting clerical errors.

In 38 divisions the lists of voters show groups of ten or more voters who are recorded as having appeared in alphabetical order. The law directs that the lists be current records of the names of voters in order of their appearance to vote. The senate committee held it possible that nine voters might honestly appear in strict alphabetical order, but that ten or more so recorded constituted evidence of deliberate fraud. In one division, for example, 36 names were entered in the list of voters in alphabetical order, but so many ballots were stuffed in the box illegally that the number found there still exceeded the number of names on the list.

In addition to alterations, erasures, and alphabetical groupings, one other instance of fraudulent listing may be cited. In one division where the voters' list contained a total of only 333 names, no less than 61 families appeared and voted as units. One hundred and fifty of the 333 names were arranged in these family groups.

The committee's opinion was that in about one division out of five the list of voters contained "persuasive evidence of having concocted to conceal the use of stuffed ballots."

BALLOTS COUNTED ALTHOUGH NEVER INSERTED IN BOX

An examination of the ballots in the boxes revealed numbers of ballots in such condition that they could not possibly have been inserted legally. Many, though marked, had never been folded and could not possibly have gone through the slot in the ballot box. Others had been folded in such a way that every dimension was greater than the width of the slot. These ballots were put into the box when the lid was open, either before the polls were opened or after they were closed. In 111 divisions 775 such ballots were found. It should be observed that these 775 were only those which bore clear evidence of having been inserted in some other manner than through the slot in the box. Probably many more were stuffed without detection. In one division twelve names were found in the voters' list in alphabetical order, but only three of the ballots in the box bore physical evidence of having been stuffed. The only possible conclusion is that at least nine additional ballots were fraudulently inserted, though they could not be detected. The committee's examination of the ballots therefore led to the detection of only those which had been carelessly stuffed. Of those which had been carefully stuffed no estimate could be given.

NUMEROUS BALLOTS MARKED BY ONE PERSON

Many groups of ballots bore evidence of having been marked by the same person. The election laws allow a voter who desires assistance to call upon a regularly qualified voter of the district to aid him in the preparation of his ballot. It is a notorious custom in Philadelphia for political workers to force voters who have no disability whatever to accept "assistance," with the result that many ballots are marked by the same person and the secrecy of the ballot becomes a mockery.

Ballots which bore unmistakable evidence of having been marked in piles were clear indications of fraud on the part of the election officers, since a voter is given only one ballot. In one district ten sample ballots, printed on pink paper, had been marked, inserted into the ballot box, and counted for Vare. In each of 36 districts five or more ballots had a cross for Wilson stricken out and another cross inserted for Vare. These alterations could have been made only after the boxes were opened by the election officials.

Legal requirements for the printing, numbering and issuing of ballots are so commonly violated by the Philadelphia county commissioners that fifty divisions accounted for a total of 992 more ballots than the records show them to have received. The law requires that all unused ballots shall be accounted for and disposed of before the boxes are opened for counting. It is customary, however, in many divisions, for the used and unused ballots to be mixed by the election officers. In 144 divisions 18,954 ballots were not accounted for at all. In eight divisions ballots which should have been in the boxes were found returned as unused, and in 162 divisions some or all of the stubs and unused ballots were found in the boxes instead of in the return envelopes provided for the purpose. Full instructions for the return of unused ballots are printed in handbill type on these envelopes. It seems that unused ballots are often kept handy by the election officers while the counting is proceeding.

Several types of fraudulent practices often occurred in one and the same district. A few typical instances may be cited. In the first ward, thirteenth division, 700 ballots were issued to the election officers, of which 396 were found in the boxes and 104 returned as unused. Two hundred ballots were therefore unaccounted for. Three hundred and ninety-two votes were cast for Vare, and only 3 for Wilson. The presumption is that Wilson ballots were destroyed and unused ballots marked by the election officers and substituted for them. In addition, nine ballots bore physical evidence of having been stuffed and six persons were voted although they had not registered.

In the fourteenth ward, ninth division, 15 signatures had been forged by the registrars at the time of registration, and one additional signature had been falsified by some other person. By the recount, Vare lost 20 votes and Wilson gained 18. Twenty-four straight Republican ballots had been fraudulently cast, seven names had been altered on the list of voters, and six persons were on the list though they had never registered or even been registered.

In the eighteenth division of Mr. Vare's own ward the list of voters contained 48 names in alphabetical array at the end of the list, three repeaters, and four persons not registered.

One witness testified before the senate committee that fraud was very largely a habit among division leaders in Philadelphia, even when elections were not close, because the political worker "wants to see a fine return, over and against his going to the ward leader or even a higher boss and demanding a better city position."

MINORITY REPRESENTATION ON BOARDS UNUSUAL

Philadelphia elections are almost entirely in the hands of the "regular" Republican organization. Legal provisions for bipartisan election boards do not operate, and minority representation is very unusual. The election is so clearly a party organization affair that it is customary for other party workers to be substituted for elected judges and inspectors whenever convenient. In the election of November, 1926, only 25 per cent of the persons who signed the records as judges and inspectors were the duly elected officers.

In a brief submitted to the senate committee, counsel for Mr. Vare said:

> Those having any experience in the conduct of elections in Philadelphia know that in some polling places the voters come in groups of varying sizes, and when they come in groups, their names are not written in the lists of voters, nor are they always checked on the registration book. . . .
>
> At some time during the day when there is no one desiring to vote, the inspectors and the clerks make comparison of the entries in their books and then the books are made to correspond to each other. In doing so there is no fraud, no desire or intention to deceive the public or to corrupt the election. It is rather an honest attempt to comply with the law and to complete the records of that division so that the work of that particular election board may be scrutinized and found to be correct.

When tax receipts are issued to persons who do not pay taxes; when registrars forge signatures of young children and their deceased ancestors; when persons are voted who are not registered and registered voters have their ballots altered or destroyed; when votes are counted where there are no ballots and when ballots are cast by election officers for entire sections of the telephone directory, then it is not surprising that the books cannot be "made to correspond to each other." The work of election boards was "scrutinized" by the Reed Committee and was found not "to be correct."

NEW LOCAL GOVERNMENT REFORMS IN ENGLAND

BY WILLIAM A. ROBSON, PH.D., B.SC. (ECON.)

Barrister-at-Law, Lecturer at the London School of Economics of Political Science; Editor of the "Local Government News"

The Local Government Bill of 1929 works comprehensive changes in English local government. The financial changes made necessary by the new plan of de-rating are particularly significant. :: :: ::

ALMOST the whole of the present session of Parliament—the last before the general election—is being occupied by an elaborate scheme for the reform of various aspects of English local government. The Local Government Bill of 1929 is a very large measure, and consists of 125 clauses, and twelve schedules. The prefatory memorandum explaining its financial provisions runs into more than thirty-eight printed pages. The significance of the bill lies in the fact that it is the first general measure of reform relating to municipal affairs which has been passed since 1894, when the Local Government Act of that year set up the parish and district councils and abolished the then existing sanitary authorities.

There is, however, no real unity about the present bill. It deals with such diverse matters as the relief of destitution, roads and town planning, the registration of births, deaths and marriages, relief from local taxation, and the superannuation of officers. The bill is no worse for that; but there is no substance in the contention of the government that the provisions of the bill constitute a well-articulated system, each part of which is necessary for the proper working of the whole.

ONE-HALF, ORGANIZATION AND FUNCTIONS—ONE-HALF, FINANCE

About half of the bill is concerned with matters relating to administrative areas, functions, and authorities; the other half relates to local and central finance. So far as the structure of local government is concerned, by far the most important feature of the bill is the abolition of the boards of guardians and the transfer of poor law functions to the general municipal bodies—the county boroughs in the large towns and the county councils elsewhere. It may be difficult for American readers to realize the immense importance of the poor law in the social structure of England. It is important historically because the relief of destitution by a specially constituted authority has an unbroken record since the days of Elizabeth. It is important financially because every year at least £40,000,000 is spent on this service; and it is important from a social point of view because a very large number of the present recipients of poor law relief consist of self-respecting working-men and women who have been thrown out of employment by reason of the trade depression in certain industries, rather than through any fault of their own.

POOR LAW REFORM

The abolition of boards of guardians has been inevitable ever since the Royal Commission on the Poor Law reported in 1909. The minority report, which it is well known was the work of Mr. and Mrs. Sidney Webb, advocated strongly the abolition of the boards of guardians and the treatment of paupers according to need by the various departments of the general authorities such as public health, education, etc. Successive governments have toyed with the task of accomplishing this reform but the influence of the guardians has hitherto been too strong for them. The present government, despite many other shortcomings, is to be congratulated on having achieved this ungrateful task.

Part I of the bill gives effect to the proposals of the government by transferring the responsibility for poor law administration to counties and county boroughs. Each county and county borough council must, within a specified time after the passing of the act, submit for the minister of health's approval a scheme of the administrative arrangements to be made for discharging its new functions. The poor law will thus be transferred to authorities which already provide many services, such as tuberculosis, maternity and child welfare, mental deficiency, care of blind persons, and the medical inspection and treatment of school children, which overlap similar provision made by the boards of guardians for persons who are destitute.

Clause IV gives power to the council to deal with destitute, as well as other, persons by means of services which they already provide. It is left to the council to determine whether they will or will not avail themselves of this power, subject always to the fulfillment of their legal obligations in regard to the relief of destitution.

HIGHWAYS

The second main feature of the bill from the administrative point of view is the transfer of highway functions from the smaller authorities to the larger ones. The county councils will in future have transferred to them all the highway powers of the rural district councils and all the powers regarding classified roads in urban districts and non-county boroughs. The term "classified roads" refers to roads which have been designated as Class I and Class II by the minister of transport and for which a grant out of the road fund is paid. These roads constitute, roughly speaking, all the highways which are good enough for automobile transport. The net effect of the new bill will be to hand over to the county councils all the roads in their areas except residential streets in the smaller urban areas and towns. The large cities will continue to be independent administrative authorities for highway purposes. There are a number of provisions in this part of the bill which enable, and in some cases force, county councils to delegate their highway powers to the smaller authorities, but at the same time retaining financial and other responsibility. The object of this part of the bill is to ensure a more uniform and efficient highway administration and to spread the burden of road upkeep more evenly by enlarging the area of road administration.

This part of the bill also contains a number of provisions relating to town planning, as the minister of health realized at the last moment that the making of adequate provision in regard to highways plays an important part in town planning. Thus, county councils are to be made town planning authorities for the first time. These additional provisions are undoubtedly desirable, but the road clauses have been criticised on the grounds that the county should not have been made the highway authority for nearly all the roads outside the large towns, just at the time when the rise of the motor vehicle has made the county an obsolete area for the purpose of highway administration. It is obvious that a larger unit of administration is required at the present time and there is a considerable body of opinion which would have been glad to see the great main roads handed over to a national authority.

ADJUSTMENT OF LOCAL BOUNDARIES

Part IV contains the Onslow Clauses, that is, provisions designed to give effect to the recommendations of the Royal Commission on Local Government contained in their second report, which was recently issued. In themselves they achieve little. But they provide machinery for obtaining a reorganization and adjustment of the boundaries of counties, county boroughs, and minor local authorities. Furthermore, they strengthen the powers of county councils and assist them to act in default of incompetent, or recalcitrant minor local authorities. It is impossible to quarrel with these timid clauses. Indeed, the real trouble is that they do not go far enough and leave untouched the main problems relating to the general structure of our local government system. Nevertheless, if these clauses are adequately worked, a great deal of improvement can be effected within the framework of the present system.

IMPORTANT CHANGES IN LOCAL FINANCE—DE-RATING

I come now to the financial part of the bill. This attempts a twofold object, namely; the de-rating of agriculture and industry, and the re-casting of the financial relations between local and central authorities.

Under present conditions, the occupiers of all premises and real estate are liable to contribute to local taxes, or, as they are called in England, "rates"; the only exception to this being made in the case of agriculture, which in recent times has been relieved of three-quarters of its normal liability. Now, under the new scheme, the government has relieved from liability to rates, three classes of property:

1. Agricultural land is relieved of its remaining quarter in respect of rates.
2. "Industrial hereditaments," that is, premises occupied or used as a mine, factory, or workshop are relieved of three-quarters of their liability.
3. "Freight transport hereditaments," that is, railways, docks, harbors, etc., used wholly or partly for rail transport purposes or for the shipping of merchandise, are relieved to a similar extent.

This part of the scheme has met with most violent opposition from the Liberal and Labor Parties. The aim of the government, as explained by Mr. Churchill in his budget speech, was to assist the heavy industries of the country and particularly those which are engaged in production for the export trade. It was for this reason that a distinction was made between industrial premises and those used for distributive purposes, retail commerce, and so forth. Furthermore, relief given to the railways is only granted on condition that they pass on to the users of certain "selected traffics" the amount by which they are benefiting. Thus, for example, if the railways are exempted from local rates to the extent of £6,000,000 a year, they will have to reduce their freight charges on certain specified classes of commodities so as to pass on this benefit to the producers of those commodities. "Selected traffics" include coal, coke, and patent fuel, timber, iron or steel ore delivered to blast furnaces, and a series of agricultural commodities.

The main ground of criticism of these proposals is that they "relieve" prosperous industries such as artificial silk and automobiles, but leave the private resident and shopkeeper, in the necessitous areas where unemployment is high, paying rates at such high figures as 25 shillings or 30 shillings in the pound on the annual rateable value of premises. In other words, the critics of the government say that relief should have been given on a territorial basis to all occupiers in necessitous areas, whereas the government has given relief on a functional basis, and in many cases where it is not needed.

GRANTS-IN-AID RECAST

The loss to local authorities on account of de-rating will be made up to them by a grant from the national exchequer, and the government has taken advantage of this occasion to re-cast the whole of the system of grants-in-aid.

Briefly the scheme provides for the discontinuance, after March 31, 1930, of certain grants at present paid in aid of local services, and the payment to local authorities of an annual consolidated grant starting in 1930–31, which will take the place of the rate and grant income lost in consequence of the rating reform scheme and the discontinuance of the existing grants.

The new grant, called the "General Exchequer Contribution," to be paid each year as from April 1, 1930, in place of the existing rate and grant revenue, is composed of three amounts, namely:

(a) An amount equal to the total losses on account of rates of all counties and county boroughs;

(b) An amount equal to the losses on account of certain discontinued grants of all counties and county boroughs;

(c) An additional amount which, for each year of the first quinquennial period, is fixed at five million pounds.

The losses on account of the discontinued grants will be approximately:

Grants through the local taxation account	£9,191,000
Grants in aid of:	
Certain health services	3,881,000
Certain roads	2,790,000
	£15,862,000
Say	£16,000,000

The total amount of the general exchequer contribution in each year of the first quinquennium will amount approximately to £45,000,000, made up as follows:

1. The equivalent of the estimated total losses on account of rates	£24,000,000
2. The equivalent of the estimated losses on account of discontinued grants	16,000,000
3. Additional amount	5,000,000
Total	£45,000,000

It is proposed that the whole of the general exchequer contribution shall eventually be allocated among counties and county boroughs on the basis of a formula which has regard solely to the needs of each area and to its ability to meet those needs. For this purpose there is to be calculated for each area a figure of "weighted" population for each quinquennium, which shall determine the share of that area in the total sum available.

In order, however, not to produce too sudden a change in the existing revenues of local authorities it is proposed that the general exchequer contribution shall for the first quinquennium be allocated only to the extent of approximately one-third according to weighted population, the remaining two-thirds being allocated in proportion to the revenues to be withdrawn. On each revision of the grant, one-third of the latter share is to be transferred to the basis of weighted population until the full scheme comes into operation in 1945, when the whole amount will be allocated on the basis of the formula for weighted population.

FACTORS IN WEIGHTED POPULATION

The rules for determining the weighted population provide that the basic factor of the calculation, namely, the estimated population of each county or county borough in the standard year (or, after the first quinquennium, the year prior to the beginning of each quinquennium) shall be increased with reference to four further factors, viz:

1. The proportion of children under five years of age to the population;
2. The rateable value per head;
3. The proportion of unemployed insured workers to the population;
4. The population per mile of public roads.

The first two of these factors are applicable to every county and county borough. They have been adopted as providing, in combination with population as proposed, an index of general needs and relative wealth and poverty. The third factor is only brought into operation as a further index of the need for assistance where the unemployment is abnormal. The last factor, which is applicable only to counties other than London, has been adopted as a measure of the spread of the population over large areas.

The method of employing these factors is briefly as follows:

1. The population is increased in the proportion by which the number of children under 5 years of age per 1,000 population exceeds 50. Thus, if the number is 80, the population is increased by the proportion which 30 bears to 50, *i.e.*, 60 per cent. Fifty has been adopted as representing with few exceptions the minimum proportion of children found in any area.

2. For the rateable value, the datum line is fixed at £10 per head (the rateable value for this purpose is the reduced rateable value as it will be after October, 1929). Where in any county or county borough the estimated average rateable value per head is less than £10, the estimated population is increased in proportion to the deficit below £10. Thus a town with a reduced rateable value of £6.3 per head will have an addition of 37 per cent made to its population. As in the case of the children factor, the datum level of £10 has been adopted as being near the limit of the range and so providing the loading in the great majority of cases.

3. As already explained, the loading for unemployment operates only where unemployment is abnormal, the datum line for this purpose being a ratio of unemployed insured men and women to total population of 1.5 per cent. The average value of this factor for the whole of England and Wales at the present time is 2.2 per cent.

This factor, as also the one which follows, is intended to operate on the population as increased by the two factors mentioned above, the reason for this cumulative operation of the factors being that for a given degree of unemployment or sparseness of population a larger increase of grant should be given the poorer the area. The mere numerical excess of this factor above 1.5 per cent would not provide a greater loading in extreme cases than about 8 or 9 per cent, and it is, therefore, proposed that the loading to be adopted in this case should be a multiple of the excess over 1½. At the outset of the scheme, when only about one-third of the money will be distributed according to formula, it is proposed that this multiple should be 10. Thus, with an unemployment percentage of 5.7, the loading would be 10 x (5.7—1.5) = 42 per cent. This multiple will, however, be reduced in the future to 3.2.

(4) The fourth or "density" factor, which applies only to counties outside London, is the population per mile of public road.

The aspect of the bill which has been most violently opposed has been the abolition of the percentage grants in regard to such services as maternity and child welfare, the welfare of the blind, the tuberculosis service and the treatment of venereal diseases. The government has in the past paid 50 per cent of the approved expenditure of the local authority. This device has proved extraordinarily effective as a means of building up these services and of stimulating local initiative and progressive action. There is a great deal of uneasiness among the friends of local government in all the political parties as to the very serious disadvantages which may result from the abolition of the percentage grant system. Under the new scheme local authorities will automatically receive their grants according to the formula, regardless of whether they carry out their social services efficiently or not. The percentage grants at present paid in respect of such services as education, police forces, etc., will remain unaffected by the new arrangements.

NEW YORK MULTIPLE DWELLING LAW

BY LAWSON PURDY

On the closing day of the 1929 session the New York legislature passed the new multiple dwelling law to replace the famous tenement house law of 1901 in New York City. The law of 1901 is still in effect in Buffalo. The new measure is not so radical as the one that failed last year. Mr. Purdy was a member of the commission which drafted the new law. :: :: :: :: :: :: :: :: ::

The legislature of New York in 1927 provided for the appointment of a commission to examine and revise the tenement house law which applied to the cities of New York and Buffalo. The commission consisted of four senators, four assemblymen, and three citizens appointed by the governor. The bill prepared by the commission failed of passage, the life of the commission was extended, and provision was made for the appointment of three additional citizens. Thereafter the enlarged commission proceeded with its work and prepared a bill which is now law.

The present tenement house law was enacted in 1901. Some of the evils it was intended to remedy and which it did remedy were ineffective administration, the inadequacy of open spaces and sanitary conveniences, and excessive fire hazards. The law of 1901 is applicable to all buildings occupied or arranged to be occupied by three or more families living independently of each other and doing their own cooking on the premises. This is the definition of a tenement house and in tenement houses thus defined more than two-thirds of the population of New York were housed in 1901 and are housed today. People of all grades of wealth, from the poorest to the richest, live in tenement houses.

THE 1901 LAW

By the legislation of 1901 there was created in the city of New York a separate department known as the tenement house department which was given substantially exclusive jurisdiction over the construction and regulation of tenement houses. When a certificate of occupancy has been given by the tenement house department the tenement house for which the certificate has been issued is a "certified" house and no question can be raised thereafter as to its plan or construction. It cannot be occupied until such a certificate has been issued.

The law of 1901 has been the basis for much similar legislation throughout the United States. It has served its purpose well. Some of its provisions are that there shall be no room without windows, of an area equal to 10 per cent of the floor area of the room, opening upon the street or upon a yard or court of at least the minimum dimensions required by the law. No tenement house may exceed in height one and one-half times the width of the widest street on which it faces. A building more than six stories high must be fireproof. From every apartment there must be two means of egress, one by the stairs and the second by similar stairs or fire-stairs or by fire-escapes. If the building is over four stories high the stairs and the walls surrounding the stairs must be fireproof and the doors must be fireproof. If the building is over four stories high the first floor above the cellar must be fireproof and unpierced. There are adequate provisions for fire-retarding of buildings of four stories and less in height. Every apartment must have a water closet which may be entered without passing through a bedroom. The protection against fire afforded by houses built since 1901 is proved by the fact that no person has lost his life by the burning of the building and 3,000,000 people live in such houses today.

While the size of courts and yards is not what one would wish, they were required to be considerably larger than under the previous law. Some idea of the size of such open places may be judged by the description of a six-story building which is the basis taken in the law for courts. If a building is less than six stories, the size of the courts is diminished; if higher than six stories, the size is increased. A building six stories high is generally about 60 feet in height. In the city of New York most of the secondary streets are 60 feet in width; thus there is a forty-five degree angle of light in the front. The yard of a six-story building must be 12 feet from the rear of the building to the rear of the lot, and must extend entirely across the lot. If two such houses are back to back, the minimum space between them must, therefore, be 24 feet. A court on the lot line extending to the street or to the yard must be half as wide as the yard; thus for a six-story building the width of an outer court would be 6 feet. If a similar building with a similar court were constructed next to it, the width of the two courts would be 12 feet. A court between wings of the same building, extending to the street or to the yard, must be as wide as the yard, or 12 feet. An interior or box court must be as wide in each dimension as the width of two yards, or 24 feet, and an inner court on the lot line must be half as large as a box court, namely, 12 feet by 24 feet. If one compares a house built under this law of 1901 with the house built prior to 1901, the new house appears to be a palace of light.

REASONS FOR REVISING THE LAW OF 1901

During the last twenty-seven years the tenement house law has been amended about one hundred fifty times. Many of the amendments were inserted to meet special cases and to make compliance with the law somewhat easier or less expensive. The old definition of a tenement house which has endured for sixty years and over, that of a building in which three families or more live independently and do their own cooking, served well until cooking by gas and later cooking by electricity had been invented and servants' wages had been multiplied by four and rents had been multiplied by three. People who formerly demanded and used apartments of eight rooms or more and kept one or more servants now occupy apartments of four rooms or less and keep no servant.

The erection of new buildings almost stopped from 1914 to 1921. There was a severe housing shortage. Old single-family houses could be altered under the building code, not the tenement house law, for non-housekeeping use. Old single-family houses could be adapted without structural alteration for occupancy by people who were not supposed to cook but who did cook on the premises. Hotels were erected, called apartment hotels, which could exceed in height and in lot coverage a tenement house, could have windowless bathrooms and windowless stairs, and therefore be erected to house more people for less money than a tenement house. When plans for such hotels were filed, the architect or builder was required to make an affidavit that no housekeeping was to be done on the premises. Leases were made commonly by which the tenant was required not to cook.

This statement applies to the hotels, to the altered single-family houses, and often to the old houses not structurally changed. Prospective tenants were invited to examine the apartment, observe the sink and refrigerator and gas or electric outlet, and then invited to sign a lease by which they obligated themselves not to cook.

By 1927 so many thousand people were living in houses of various kinds in which cooking was being carried on contrary to law that the enforcement of law seemed almost impossible. An autocrat who did not live in the city might have enforced it perhaps. It is questionable whether such a person could who traveled about the town without police protection.

For a number of years the Tenement House Committee of the Charity Organization Society, the Housing Committee of the Brooklyn Bureau of Charities, and the few others interested in maintaining the integrity of the tenement house law had a very hard struggle to prevent objectionable amendments and to encourage any kind of enforcement. The tenement house department had been hampered by inadequate appropriations and an insufficient staff. On the other hand, the real estate boards were besieged by members who urged amendments to the tenement house law of various kinds which, if enacted, would have weakened the law seriously. At this juncture the real estate boards recommended the appointment of the commission. The commission had before it the task of preserving the standards of the present law and meeting the demands of those who wished to cheapen construction.

THE MULTIPLE DWELLING ACT

The task of the commission was set for it by the demands of those not satisfied with the present tenement house law. There were those who wished to erect high and bulky buildings as apartment hotels with fewer stairways, without windows to the outer air, with windowless halls and windowless bathrooms. The contention was and is that with mechanical ventilation bathrooms can be better ventilated than by windows, and that electric lights are more efficient than daylight. Owners of houses which had been altered under the building code wanted them legalized for housekeeping. Owners of old single-family houses wished an inexpensive method of alteration for tenement house use. The demand for cooking anywhere or everywhere was universal.

On the other hand, those who had a primary interest in the welfare of the poorer people of the community contended that windowless bathrooms for them meant dirt and disease; that unlighted stairs and halls were a social menace and that the altered old houses constituted a serious fire hazard. Moreover, for all buildings they contended that more light and air made houses better investments, better for both owners and tenants. They regarded the limit of height of one and one-half times the width of the street for fireproof buildings as being too high rather than too low. At all costs they wished to preserve the general structure of the tenement house law and its administration by a separate department.

OLD DEFINITION ABANDONED

One of the first conclusions of the commission was that the old definition of a tenement house which depended upon cooking had to go. Unlawful cooking was too easy. For that reason the title of the act was changed to Multiple Dwelling Law. Under this law cooking will be permissible in any multiple family dwelling which conforms to the law in all other respects. The rules for construction, for height, for bulk were made the same for the tenement house and the apartment hotel. A distinction was made in favor of transient hotels, but the effort was made to lay down rules for construction of the transient hotel and the other multiple dwellings as nearly as possible alike and to make the differences such that a builder would not be tempted to call his building a hotel when, in fact, it was to be used as a tenement house.

One of the most difficult problems was to meet the demand of those who wished to build the apartment hotel, which can now be built to a greater height than a tenement house and covering more ground than a tenement house and, at the same time, secure adequate light and air. The plan of the multiple dwelling law is to increase the area of the yard and courts and to allow a slightly greater height. The increase in the yard and court dimensions for a six-story building is about 25 per cent over the dimensions of the present law. The new yard is 15 feet as compared with 12 feet. The outer court is 7½ feet instead of 6 feet. An outer court between wings of the building is 15 feet instead of 12 feet. On a 60-foot street the present tenement house may be 90 feet high, the yard at least 15 feet in depth throughout the entire height of the building, and the courts based on the yard width.

SETBACKS PROVIDED

The multiple dwelling law requires the yard to be 20 feet deep at the 90-foot level; above that level the depth of the yard must increase in the ratio of three inches for each foot. Above the 90-foot cornice line on the street front, the building must set back from the street in the ratio of three to one. The maximum height is 3 feet plus one and three-quarters times the width of the street and never over 175 feet exclusive of a pent house set back on all sides. On a 60-foot street, therefore, the maximum height is 108 feet. In effect, we have allowed two additional stories and required those stories to set back in return for an increase of 33⅓ per cent in the dimension of the yard. A careful study shows that rooms on the lowest stories will get about the same light on the street front as under the present law, and considerably more light in rooms opening on the yard and courts.

In non-fireproof buildings stairs, halls, and water closets must be lighted by windows of required size. In all fireproof buildings with passenger elevators water closets supplementary to those required by law may be mechanically ventilated and in such fireproof multiple dwellings in which every room opens directly upon a public hall, water closets may be mechanically ventilated. In such buildings stairs and halls may be without windows. The number and width of stairs are determined by the number of rooms on each floor instead of by the number of apartments as at present. The reason for this change is that the size of apartments is, on the average, much less than formerly. Outside fire-escapes are not required for fireproof buildings, but two interior stairs are required except for buildings not exceeding six stories high with not more than twenty rooms on a floor using that stair.

Transient hotels in which there are six or more power passenger elevators, built in a block zoned exclusively for business, may be erected to any height and to any bulk permitted by the local zoning ordinance.

Houses heretofore altered in accordance with the building code are required to do very little to make them more safe. Houses hereafter altered are required to have water closets with a window or skylight and to be safeguarded adequately against fire. Lodging houses and rooming houses have some requirements in excess of those now contained in the local ordinance.

The tenement houses erected prior to 1901, called old-law tenement houses, are subject to some additional regulations for sanitation and fire protection.

The provisions for the enforcement of the law are strengthened.

CONCLUSION

The problems presented to the commission have been solved. The solutions offered will not please everyone. To one who, like myself, believes that no building should exceed the width of the street in height and no window should have less than a forty-five degree angle of light, the provisions for light and air seem inadequate and they are far less than should be adopted by any city which can by any diligence do better, but for the city of New York, as it has been allowed to grow, I believe the provisions of the multiple dwelling law represent a solution of pressing problems which must be solved, and do afford more light and air for all houses over four stories high and adequate light and air for houses less than four stories high, and that the bill presents rules for construction that are practical and will be good for both owner and tenant.

A NORTH JERSEY METROPOLITAN DISTRICT—NONSENSE OR STATECRAFT

BY PHILIP H. CORNICK
National Institute of Public Administration

Northern New Jersey is really one urban territory with a population of three millions, sadly in need of comprehensive transit facilities and other public improvements, but without a common government able to surmount the legal and financial obstacles to common action. ::

A POPULATION of approximately three millions, or about that of Chicago, the second city in the United States in number of inhabitants; an area of more than 2,200 square miles, or over five times that of Los Angeles, which is the country's largest city from the standpoint of acreage; assessed valuations of ordinary real estate, exclusive of railway holdings, in excess of three and a half billions of dollars—considerably more than that of any city on the continent with the single exception of New York City: such are three of the outstanding characteristics of the North Jersey Transit District which was given a shadowy existence as a governmental unit by act of the legislature of New Jersey in 1922.

The reason for its creation, however, is not to be found in its population, its area, or its taxable wealth. It lies rather in a state of mind which is common to many of its inhabitants. Just as every devout Mohammedan turns his face toward Mecca at least once a day, so a large percentage of the inhabitants of the North Jersey Transit District turn toward New York City. The ordinary Mohammedan, however, undertakes a pilgrimage to Mecca once in a lifetime. Many of the Jerseyites, on the other hand, are not content with so perfunctory an evidence of their devotion. Every morning of every working day in the year, three hundred thousand of them—one-tenth of the entire population of the district—journey to the shrines of big business on Manhattan Island. Every night the tide of humanity flows back. As though geared to the rising and the setting of the sun, steam trains, rapid transit trains, trolley cars, buses, private automobiles, steamers, ferry boats, private motor boats—and more recently, even aeroplanes—converge on the center in the mornings and radiate from it in the evenings toward the outer boundaries of the district fifty miles away. Every year the individual vehicles are becoming more crowded; every year the number of vehicles demanded grows; every year the pressure on the existing facilities for mass transportation, and on their terminals, becomes more intense; every year the devout pilgrims are called on for greater sacrifices in comfort, time and energy.

THE PLIGHT OF THE HERETIC

But hard as the lot of the devout pilgrim is, that of the heretic is even more difficult. The decades of New York mindedness have resulted in a transportation system which leads to New York and to nowhere else. Within the district other shrines have grown up: Newark, an important insurance, banking, retail and manufacturing center with a population of almost half a million; Jersey City, Paterson, Elizabeth, Bayonne, Passaic, Hoboken, Perth Amboy, New Brunswick, Bloomfield, Rahway and Kearney, whose industries draw their daily streams of pilgrims even from New York City; the high-class suburban residential communities of Englewood, Montclair, Summit, the Oranges, Plainfield and Morristown; the famous resorts of Asbury Park, Atlantic Highlands, Long Branch, Rumson and Shrewsbury. All of these, too, have their devotees, and woe be to those unfortunate dissenters who live on one of the radial lines leading to New York City and would make obeisance at an altar located on another of those lines. In a great number of cases, they find it simpler and easier to journey into New York and then out again to their destination, rather than to cross the short distance intervening between the radial lines by the available circumferential means of travel.

With these facts in mind, it is not difficult to understand why the legislature empowered the commission which was created by the act of 1922 "to study and report upon the best plan or plans to be followed in providing a comprehensive scheme of rapid passenger transit between the several communities in the district, as well as between such communities and the city of New York." The "several communities" so casually disposed of in the act numbered 265; they lie in nine counties; they range in size from Newark, which ranks fifteenth both in population and in assessed valuations among all the cities of the country, down to the townships, a few of which are still almost wholly rural in character.

STUDY BEGAN IN 1922

Unfortunately, no appropriation was made available for the preparation of the plans in 1922, nor in the year following. Nevertheless, studies were carried out by the commissioners, reports were made to the legislature, news releases were given out to any newspapers which would publish them, and speeches were made before any organization that could muster a corporal's guard of listeners. This work bore fruit in appropriations for the fiscal years from 1924–1925 down to the present time, and an interesting series of studies has resulted.

The traffic census of 1924 outlined the scope of the problem because it showed for the first time not only the number of commuters who journeyed back and forth between their homes in New Jersey and their places of business in New York City, but also the location of those homes and of those places of business, and the numbers of facilities resorted to in the journeys between them. In the following year, the commission outlined the physical features of a comprehensive scheme for interstate and intrastate passenger transit.

THE INTERSTATE LOOP

The first step in the proposed physical plan was to be the construction of an interstate loop. The New Jersey portion was to intercept all commuting lines at points beyond the present congested terminals; the New York portion was to deliver and collect the commuters at a series of stations conveniently located along the backbone of the business section of Manhattan Island between 59th Street on the north and the Battery on the south. It was estimated that the completion of the proposed double track loop and two-way operation would reduce both the running time and the number of intermediate transfers between place of residence and place of business for a large percentage of the daily riders. By successive steps thereafter branch lines connecting with the loop were to be extended out into the district, chiefly along the existing rights of way owned by the railway companies; and the trains from these branches were to run through direct to the delivery section of New York City, thus making it possible ultimately for a large number of commuters to travel between home and office without change. Furthermore, outer belts were planned which would have provided convenient means of travel between the communities within the district itself.

The completed project would have comprised six hundred miles of rapid transit lines and fourteen new single track tunnels under the Hudson River; would have provided adequate means of intercommunication between all parts of the district, and between those parts and Manhattan Island; and would have required an estimated expenditure over a twenty or twenty-five year period of not less than three quarters of a billion dollars.

LEGAL AND FINANCIAL DIFFICULTIES

The district commissioners now found themselves with a white elephant on their hands. They had succeeded first in proving that what had previously been looked on as a group of unrelated little problems, each affecting a separate section of the district, was in fact one big problem affecting the district as a whole. They had had no difficulty next in providing a plan of construction which would solve that problem, and which presented no insuperable physical obstacles. So far, so good. But three quarters of a billion dollars is a lot of money, whether it is to be expended in one year or in twenty. Some effective organization with ample legal authority to find that money and to administer its expenditure had to be created.

With the same energy they had shown in the other phases of their work, they set out to formulate the legal and financial plan. They soon found what other explorers in the field of government have discovered—that it is easier to plan a public work than to find an equitable method of apportioning its costs among the beneficiaries; that it is easier to bridge or tunnel a river than to pierce the state boundary line which may happen to run down the middle of that river; that it is easier to achieve multiple-unit control in train operation than to accomplish multiple-unit control with 265 municipalities.

The result of this discovery on the attitude of the commission itself may be illustrated by paraphrasing the successive reports to the legislature. The report of 1925, which embodied the results of the traffic census, said in effect, "Here are the facts about the situation which we have discovered." The report of 1926 said: "We transmit herewith the engineering features of a comprehensive plan for passenger transit." Up to that point, the commission had felt sure of its ground. Now note the change which occurred in its report of 1927, which embodied its studies in the means of financing, and the opinion of its counsel relative to district organization. Instead of saying, "Here are the facts," or "We submit a plan," the commission contented itself with saying, "We submit a report of our activities," and with recommending certain tentative conclusions based on the legal and fiscal studies to the serious consideration of the legislature itself and of the residents of the district. It would be an interesting study to ascertain how many other public bodies dealing with analogous problems have experienced a similar loss of self-confidence as their labors progressed from the measurable objective elements in their problems, such as numbers of commuters, cubic yards of earth to be moved, or tons of steel to be laid, to the imponderables involved in a consideration of the juridical and psychological factors surrounding all human institutions for collective effort.

Up to this time, only one change in the personnel of the original commission had taken place. The same seven men who had taken part in drafting the original act, and in prevailing on the legislature to pass it, and who had carried on the work for two years without the aid of an appropriation, were still in active service. One of the devoted seven had withdrawn in order to accept appointment as counsel, and the vacancy thus created was filled by a man who was selected by the commission itself, and who was then prevailed on with some difficulty to accept the appointment at the hands of the governor. It was still a case of the office seeking the man. Regardless of what the enabling legislation said, the commission during this period was in effect a self-perpetuating body dominated by a community of interest. Within the past two years, this situation has changed. Three vacancies due to resignations or to expiration of term have been filled without deference to the wishes of the remaining commissioners. The terms of two of the four survivors of the original group expire this year, and the probability that they will be reappointed is negligible.

THE FUTURE

Here, then, was the situation in which the remnant of the old guard on the commission found itself when the time came for its report to the legislature of 1929. It had worked for seven years on a public problem without hope of reward, and with a devotion born of civic spirit. It had sought vainly for some simple solution of the problems of district organization and financing. Now it decided to point out to the legislature, in what might be its last report, the one sword which it believed capable of cutting the Gordian knot in which the existing law had entangled the problem of regional improvements. It marshalled its facts concerning the social costs in time, in money, in inequity, and in inefficiency, which were the fruits of that law. In support of its arguments, it cited the history of other bodies which had been charged with the duty of providing regional improvements within the district—the sewerage, water supply and tunnel commissions, no single one of which had been able to achieve its purpose in less than twenty years of turmoil and litigation. It showed why the clumsy financial devices worked out by compromise for use by those commissions could not be employed in connection with rapid transit construction. Finally, it made the bold assertion that adequate planning for a comprehensive transit system was impossible unless all other essentials of urban land utilization were combined with it. Among those essentials for northeastern New Jersey, the report specified regional water supply systems, regional sewerage, and regional meadows reclamation—all of which are at present in the hands of special state commissions—and subdivision control, which except in one or two municipalities, is not being exercised at all. It proposed, therefore, as the prerequisite to transit construction, the conversion of the North Jersey Transit District into the North Jersey Metropolitan District, to be governed by an elected commission, that commission to have financial autonomy, a separate debt limit, authority to levy taxes and special assessments, and power to construct, finance and operate public improvements of a regional nature.

Admirers of Lewis Carroll remember with delight his lines:

> "The time has come," the Walrus said,
> "To talk of many things:
> Of shoes—and ships—and sealing wax—
> Of cabbages—and kings."

They hail it as a gem of purest nonsense. Admirers of O. Henry, on the other hand, remember with equal delight his use of these lines as the plot of a novel, and his success in proving that the apparently unrelated subjects cited by the Walrus worked together to determine the fate of a nation. When the North Jersey Transit Commission combined sewerage, water supply, meadows reclamation and subdivision control with rapid transit, was it writing nonsense or molding history? Time alone can tell. In any event, a joint resolution providing for a commission to study the entire problem of regional government in New Jersey is now before the legislature in that state.

BOTH SIDES WIN—WORCESTER ELECTRIC RATE CASE

BY JOHN BAUER
Director, American Public Utilities Bureau

In the Worcester case the master's findings nullified the Massachusetts traditional rule of prudent investment and surpassed the Supreme Court in consideration paid to reproduction cost. :: :: ::

On February 11 the master appointed by the federal court handed down his findings in the Worcester Electric Light case, a matter of wide public interest for the past two years. It involves not only sharp rate reductions ordered by the Massachusetts department of public utilities, but also the fundamental basis of valuation,—whether "fair value" for rate-making under Massachusetts conditions can be differentiated from the general standards laid down by the Supreme Court of the United States.

This famous case began in September, 1926, when through the efforts of John H. Fahey, publisher of the *Worcester Post*, petitions were made to the department of public utilities to reduce the rates charged to domestic and commercial users. After sharply contested hearings, the department ordered the reduction of rates from a maximum of 7 cents per kwh. to 5 cents, effective June 15, 1927. The order was based, in part, upon the "fair value" determined largely in accordance with the Massachusetts rule of prudent investment, and not in accordance with the usual principle of reproduction cost, less depreciation. The company promptly moved to the federal court for an injunction against the order, on the ground that the rates ordered would be confiscatory. The injunction was granted, on condition, however, that the difference between the maximum of 5 cents and the rates charged by the company would be impounded for the benefit of the consumers until the final determination of the proceedings.

EACH RATE GROUP JUDGED SEPARATELY

In his findings, the federal master, Henry E. Warner, found that the rates were adequate for the service covered by the order. Upon the matter of valuation, however, he sustained substantially the company's contentions in regard to the "fair value" upon which it is entitled to earn a return, and as to the rate of return. He found against the company specifically in respect to the allocation of costs and of return required between the different classes of service. While he found that the company would make less than 6 per cent upon the fair value employed in the entire business, it would earn over 8 per cent at the maximum rate fixed by the department upon the part of the property allocated to the particular classes of service affected by the order. He refused to judge the rates on the basis of the total return upon the total property, and upheld them because upon proper allocation they would bring an adequate return upon the value properly chargeable to the domestic and commercial groups of consumers.

This finding has special importance for the large class of domestic consumers, in that it fixes their right to be treated separately as a class, and that their rates are properly fixed according to the cost of furnishing their particular service. If a company, therefore, receives an inadequate return as a whole, but if its domestic service is fully compensatory, it cannot maintain excessive rates upon the domestic business to make up the inadequacy of return on its other sales. If this rule were generally applied throughout the country, it would probably result in radical reductions in domestic rates and, in many instances, in upward revision of unprofitable, competitive rates. There is reason to believe that power rates have often been fixed, because of competition, at points below the cost of service, at which they are not properly compensatory; and that the losses are made up by excessive rates paid by domestic consumers, whose business is not subject to competition.

MASSACHUSETTS RULE REJECTED

The finding sets aside the contention that the Massachusetts rule of prudent investment should be taken principally as the basis of fair value, as distinguished from the federal rule, which would include also the reproduction cost of the properties. In Massachusetts there has been strict regulation of capital issues for many years and rates have been fixed generally at a level to permit the companies to pay regular dividends upon the capital stock issued under public control. This practice was followed during and after the war, to meet the need of rate increases, and it was to be applied also for the determination of reductions. It was regarded as a special Massachusetts policy.

Because of the special circumstances and the long-established practice of rate procedure—although other relevant matters had been taken into account by the department—the public authorities in the Worcester case contended that prudent investment should be taken as the dominant factor in the determination of fair value. This contention was rejected. The master followed the so-called federal rule. Moreover, as we understand that rule, he went further in the acceptance of reproduction cost than has been fixed directly by the Supreme Court decisions. As to valuation, the master speaks as follows (italics ours):

> Counsel for the defendants contend that there has been established in Massachusetts a practice and method with regard to regulation of public utilities by which the determination of the rate base upon which fair return is to be earned is to be largely affected, if not practically controlled, by the so-called prudent investment theory, and that the constitutional right of the utility is

limited, or affected thereby, or must be interpreted with reference to that situation.

The opinion of the statutory court rendered in connection with the issuing of a temporary injunction seems to me to have disposed of this question adversely to the contention of the defendants.

If the question is still open before me I am unable to agree with counsel for defendants.

The question to be determined in this court is the interpretation and application of the rights of the utilities under the constitution of the United States.

The decisions of the Supreme Court, which are controlling on this court, have clearly established the constitutional right of a utility to be protected against regulation which will prevent it from earning a return based upon the present value of its property. *This constitutional right is a restriction on the power of the state to regulate, and I am unable to see that the restriction is any less effective against a regulation by definition or determination of the rate base, than it is against a regulation by definition or determination of the rate itself.*

To hold that a state in the exercise of the power of regulation may substitute something else for the value of the property, which has been determined to be the measure of the constitutional protection, would seem to me to nullify the protection, even though that something else be the amount prudently invested, for, ex-hypothesi, the amount of prudent investment differs from the present value of the property or no question arises. The suggestion that the prudent investment theory is only a means of determining the present value of the property lacks reality, for it is avowedly a means of escaping from taking present value as the rate base.

It may well be doubted whether the exercise of the regulatory power by the Massachusetts legislature purports, or was intended, to have any bearing on the interpretation and application of the right of the utility to protection under the Constitution of the United States. It may be conceded that the legislature intended to restrict the issue of stock in excessive quantities, and at unduly low prices, without conceding that the constitutional protection is affected thereby.

Whatever the purpose or the intent of the state legislature or state regulating bodies may be, it seems to me that it is clearly limited, restricted and controlled, by the constitutional right of a utility to be protected in the use of its property. It is the right to the property and not some substituted conception which is protected by the constitution.

In my opinion the right of the plaintiff to be protected against the enforcement of rates giving less than a fair and reasonable return upon the present value of its property used in rendering the service is not affected by the acts of the Massachusetts legislature or regulating commission, and I so rule. . . .

I find and rule that the plaintiff is not estopped to claim the present value of its property as the rate base.

Both the state and the company filed objections to the master's report. The company objected, particularly, against the allocations made to the domestic and commercial rates, and the finding that the rates fixed by the department are not confiscatory. The state objections include the finding in regard to the value of the property as a whole, and that 8 per cent is a fair and reasonable rate of return. The state has filed a petition asking for the dismissal of the suit.

It is expected that the findings of the master will be approved, and that neither side will appeal. The state has won the rates; the company the valuation. From the broad public standpoint, however, it is unfortunate if the issue of valuation is not carried to the Supreme Court. This involves much more than the particular case. It goes to the basic question whether a state can set up a comprehensive system of rate control, including a definite basis for administration and exact dealing with investors, or whether it must continue permanently with the present undefined rate base, which is financially unsound and cannot be satisfactorily administered.

ARE THE STATES HELPLESS?

This same question is before the Supreme Court now in the St. Louis and O'Fallon case—involving the recapture of excess earnings under the

1920 Transportation Act. The Interstate Commerce Commission has adopted special provisions for a fixed rate base in dealing with railway rate procedure. It distinguished the railroads from ordinary utilities, and contends that it has provided for the fair value of the railroads in view of their economic character and the statutory plan established by Congress. The companies insist that "fair value" consists of reproduction cost, less depreciation, of the properties. The question is, whether the basis of "fair value" for the railroads can be fixed as a matter of legislative policy, or whether the basis must be left always undefined and variable, according to price fluctuations. The same question arises as to state powers in dealing with local utilities. Can a state lay down a comprehensive system, as Massachusetts presumably had done, or must it continue permanently with undefined and unsound standards? This is a first-rate question which might well have been carried to the Supreme Court in the Worcester case. Some time or other it must be faced squarely and decided as a matter of law.

In the opinion of many close students of regulation, the Supreme Court has never fixed rigid requirements for the determination of fair value. On the contrary, it has stressed repeatedly that fair value must be based upon the facts and circumstances of each case. There is nothing in its decisions which would prevent the consideration of the particular and important fact that there has been a special Massachusetts policy, established by law many years ago, and carried out through a long period of systematic rate administration. The master doubts whether any such outright policy had been provided by law; but if it had, he frankly states that it would have exceeded the power of the legislature, and could not limit the rights of a company in the determination of "fair value."

REPRODUCTION COST UNWORKABLE

If, as the master holds, the fact of established state policy carried out through administrative machinery, cannot be considered in the determination of fair value, then the problem of state regulation for the future looks indeed hopeless. If actually, according to the master, fair value must be predicated primarily upon the reproduction cost, less depreciation, of the properties, the states will be unable throughout the future to put regulation upon an administrable and financially sound basis. It requires no abstruse economic analysis to demonstrate that rate-making based upon reproduction cost is an unworkable system; that it breaks down in administration, because of the large number of properties, the greatly varying conditions, and constantly shifting prices. Nor does it require intricate thought processes to understand that reproduction cost, under the prevailing financial structures of the utilities, is financially unsound; that because of the large proportion of fixed-return securities, it produces inordinate profits to the stockholders during rising prices, and inordinate losses during falling prices. If reproduction cost were systematically applied, a 40 per cent decline in prices during the next two decades, similar to the decline following the Civil War, would result in wrecking a large proportion of the utilities; would produce widespread receiverships, and would strangle the entire industry through the loss of credit,—not because of lack of demand for the service, but because of the unsound basis of rate-making.

So far as fundamental policy is concerned, reproduction cost is simply an economic absurdity. The Supreme Court, however, has never stated that rate-making must of necessity be based upon such a system. It has never declared that reproduction cost is even the dominant factor in fair value; it has merely stated that a company is entitled to a fair return on the fair value of its property dedicated to the public service, and that in the determination consideration shall be given to all relevant facts and conditions, to the end that every company be treated justly. While in most instances, under present conditions, reproduction cost doubtless is an important element, particularly where no explicit state policy had been established to make rate-making definite and effective, this does not mean that inexorably a rigid doctrine must be followed in the future.

In our judgment, as we have read many hundreds of court decisions relating to fair value, the real difficulties in dealing with the subject have arisen with masters and the lower federal judges, and not with the Supreme Court of the United States. The latter body, up to date, has not made any decisions which, as we see the problem of regulation, will hamper the states in their attempt to put their houses to order with respect to the exceedingly important problem of regulation.

The states, we believe, can proceed to reconstruct the system of regulation and to establish a rate base that meets the requirements of financial stability and effective administration; but, of course, they must deal fairly with the companies, and not subject them to confiscation. The Supreme Court is the last body in the world—as we have studied its decisions—which will interfere with the development of sound policy by the states in dealing with recognized public interests.

THE RATE OF RETURN

An interesting side light appears in the master's finding of the rate of return,—that the company is entitled to 8 per cent. But, upon what grounds, that particular percentage?

If reproduction cost, less depreciation, is to be the measure of value, fluctuating with changing price levels, then, certainly, the rate of return should vary also with market conditions or the change in the cost of money. While it is true that in general the present level of construction costs is materially higher than before the war (although this does not necessarily apply to electric plants, wherein great technical advances have taken place), there has been no such increase in the rate of return. The cost of money now is no greater than before the war; a fact that should receive judicial recognition. Formal proof is readily available. Before the war, 6 per cent was held not to be confiscatory or unreasonable. Why, therefore, is 8 per cent necessary now, when the cost of money is back to the pre-war rates?

It is true that during the war and for about three years later, the cost of money as well as the cost of construction was far above pre-war levels. Construction still remains high, but the cost of money has receded to the earlier rates. The master, however, not only recognizes present high construction costs, but clings to the high money rates which did prevail for a period, but no longer continue. If the sign of the market must be followed as to valuation, why not follow it as to the rate of return?

The question suggests the reflection that what goes up, comes down only with difficulty, if exact standards and measures are not established. This applies not only to rate of return, but also to valuation. If a particular figure has once been established, it is likely to stand a considerable period after its justification, even under reproduction cost, has disappeared. Today, as to most properties, the public would probably have little to lose if rigid reproduction cost under modern methods of construction were used. But, there is the rub; there are no exact figures; the amounts depend upon estimates and opinion. These involve personal interests; hence there is the tendency toward one-way variation—upwards, but not downwards.

SPECIAL MUNICIPAL CORPORATIONS

BY F. H. GUILD
University of Kansas

There are 47 varieties of special municipal corporations in the United States. They are serving useful purposes, at least until local government is readjusted to meet modern needs. :: :: :: ::

It seems possible to present now as a positive thesis the proposition that there exists in local government a distinctive agency which merits independent recognition, and that our historic attitude, our traditional acceptance of the general framework as we continue to think and write about it, has long since ceased to be an accurate statement of our actual local governmental machinery.

Hitherto we have divided local governmental agencies into two classes: First, the subdivisions of the state, the county and township; second, the cities and their diminutives, the town and village. School districts and other *ad hoc* bodies, as "sports" or "freaks" in governmental evolution, have been classified with counties and have been relegated to nomenclative mortification as *quasi-corporations*.

The first of these historic groups exists for land regardless of population, topography, or economics. Its functions are those which must be exercised for land regardless of population or any special problems. The second group contains those special forms of corporate organization whose reason for existence is found in the one word "population." It is density, congestion of population, primarily that alone, with the problems which arise as that congestion is intensified, which is responsible for the existence of the city, town, or village in their particular forms. Otherwise the county and township forms suffice. The second does not supplant, it supplements the first.

THE NEWER AGENCY

In addition to these traditional forms, however, there has arisen in fact a newer agency, the special municipal corporation, superimposed upon all of the others and disregarding them freely. Like the municipal corporation proper, that is, the civil city, this special corporation is formed to meet a particular community need not satisfied by the pre-existing general framework of government.

Many of these community problems are primarily geological, topographical or economic in character. Questions of climate, of rainfall or the lack of it, of devastating floods, of water-sheds and water power, of arid lands or marshy ground, of agricultural development, of river and harbor development—these are of themselves problems apart from that of population, however much the presence of population may influence the movement to overcome the difficulties nature may have placed in the way of progressing civilization. They are not, however, problems to which population stands in relation of cause to effect.

Moreover, there are legal, financial or constitutional problems, more particularly those centering around the construction of public improvements in the face of mounting indebtedness combined with rigid constitutional limitations.

Still more important are the problems of jurisdiction, as the machinery for the satisfaction of public needs passes beyond the legal boundaries of the local governments affected. For example, the flood of 1913, which threatened Dayton, Ohio, and six other municipalities, resulted in the creation of the Miami Conservancy District, covering nine counties.

For various reasons in the past, the historic forms of local government failed to meet needs of this nature. The community immediately affected was not interested in general reorganization of government upon a more ideal basis. What the situation demanded was immediate relief for the one particular problem.

THE EASIEST WAY

It was far easier to leave the old forms intact and to superimpose new forms for the new problems. To replace a long established form of government with a new seems revolution. To supplement with a new, while it may eventually lead to chaos, is for the moment only an innovation.

To illustrate, again. When Florida sought to drain the Everglades, or Missouri the wet lands of the Little River, it was by means of the Everglades Drainage District and the Little River Drainage District, two special municipal corporations of great size, the latter almost as large in area as the entire state of Rhode Island. Or when, in California, a new residence district of slightly over one hundred inhabitants, pestered by mosquitoes, sought to drain nearby marshy soil and to oil catch basins, it was by means of the mosquito abatement district. A little summer colony on the New England coast desired services for which the town would not pay, and a water, fire, or lighting district filled the need.

One familiar illustration may serve to identify the nature of financial, legal or constitutional needs. Decatur, Illinois, in 1916, ordered by the rivers and lakes commission to cease pollution of the Sangamon River, discovered that the needed sewage disposal plant involved $900,000 which was $700,000 more than the constitutional bonding margin remaining. Under the constitutional framework existing, a minimum of four years would have been required for the adoption of a constitutional amendment and the passage of a new law thereunder. In less than one year a special municipal corporation, the sanitary district, had met the problem. Bloomington, Illinois, and Indianapolis, Indiana, were in the same predicament the same year. And in Indiana, of course, it is practically impossible to secure the adoption of constitutional amendments.

The special municipal corporation, as a bonding district, with its own independent debt limit, became a species of political fourth dimension which enabled these cities to satisfy their immediate, legitimate public needs as though the antiquated constitutional impediments did not exist.

THE NEED FELT EARLY

Beginning with the legal recognition of the Massachusetts school district in

1789, the Pennsylvania poor districts of 1831, the Rhode Island fire district of 1841, and the Illinois bridge district of 1847, the incorporated district sprang into favor from 1850 to 1895 for rural purposes, with levee, reclamation, swamp land, drainage and internal improvement districts. The Wright Act of California, 1887, fully sustained by the United States Supreme Court in 1896, opened a new field in the utilization of irrigation districts. The Illinois park districts of 1869 and sanitary districts of 1889, with the Port of Portland, Oregon, in 1891, began the extension of the district idea to more strictly urban problems.

At present special municipal corporations exist under at least eighty-nine names and forty-seven distinctive species, counting the school district once only. There are at least thirty-four different names and eight species of school districts. (See table on page 322).

Whatever the purpose, be it a public one; whatever the size of the district; whatever the existing governmental agencies; in the patchwork legislation of the past hundred years special problems have been solved repeatedly by means of these special incorporated districts created to accomplish a single definite purpose.

COURTS HAVE SUSTAINED POWER TO CREATE SPECIAL DISTRICTS

The legislative power to establish such new agencies has been upheld by the courts in sweeping terms. To quote from the South Park case in Illinois:

> The constitutional provision that the legislature *may* vest the corporate authorities of counties, cities, etc., with the power to assess and collect taxes, does not confine the legislature to any particular corporate authorities, or to any then known instrumentalities of that character. That document [the Illinois constitution] was made for all time with full knowledge that the public necessities might require the creation of various and dissimilar corporate authorities, and to be imbued with administrative functions of a nature which could not be properly exercised by any known and existing corporate authority. . . . There is no prohibition which we have been able to discover against the creation by the legislature of every conceivable description of corporate authorities.

Sweeping dicta, perhaps, but that decision of 1869 has been borne out amply by the history of the diversification of incorporated districts in the past fifty-nine years.

In consequence it can be stated emphatically, I venture to suggest, that, if the law be drawn with due reference to the established practice of each particular state, it is now possible to create in any state separate independent corporations or districts for any known public purpose, large or small,—for improvements essentially commercial in nature, for flood control, or indeed, for farm relief.

Many of these districts are well enough known by name, as curious *ad hoc* bodies. The chief difficulty has been the failure to recognize, in the various species and under the bewildering array of names, the common genus to which all of them belong. But the distinctive genus is discernible, capable of identification, and susceptible of greater utilization, adaptation,—and limitation.

The special municipal corporation may be defined as a public corporation, formed for a single purpose or for a few closely related purposes, with territory and inhabitants, autonomous, with power to select its own officers, issue bonds and levy taxes for the accomplishment of its corporate purpose. Not all of these markings need appear distinct in each species.

On one hand the so-called "incorporated district" of Kentucky, the

ALPHABETICAL LIST OF 89 NAMES OR 47 VARIETIES OF SPECIAL MUNICIPAL CORPORATIONS

Agricultural Development District
Agricultural District
Boat Course District
Boulevard District
Bridge District
Canal District
Commercial Waterway District
Community Centers
Conservancy District
Conservation District
Coöperative Agricultural District
County Power Pumping District
County Water District
Diking District
Ditch District
Drainage District
Drainage Improvement District
Electrical District
Fire District
Flood Control District
Flood Prevention District
Forest Fire District
Forest Preserve District
Fresh Water Supply District
Good Roads District
Harbor Improvement District
Highway District
Highway Improvement District
Improvement District
Incorporated District
Independent Highway District
Inlet District
Internal Improvement District
Irrigation District
Junior College District
Lamp or Lighting District
Levee District
Library District
Light, Heat, and Power District
Local Improvement District
Metropolitan Park District
Metropolitan Utilities District
Mine Drainage District
Mosquito Abatement District
Municipal Improvement District
Municipal Water District
Navigable Canal District
Navigation District
No-Fence or Stock-Law District
Overflow District
Park District
Paving District
Pleasure Driveway and Park District
Poor District
Port District
Power District
Protection District
Public Cemetery District
Public Health District
Public Utilities District
Railroad Aid and Benefit District
Reclamation District
River District
River Improvement District
River Regulating District
Road District
Road Improvement District
Rural Community
Rural Improvement District
Sanitary District
Sanitary Drainage District
School District (under 34 names or 8 varieties)
Sea Wall District
Sewage District
Slough District
Storm Water District
Stumpage District
Stumping and Land Clearing District
Swamp Land Reclamation District
Tunnel District
Watch District
Water Development District
Water District
Water Improvement District
Water Power District
Water Storage District
Waterworks District
Waterworks Improvement District

municipal districts authorized in Connecticut since 1893, the fire, water, watch, and lighting districts of New England, and the incorporated rural community in North Carolina approximate closely the town or village as municipal corporations proper.

On the other hand, a quasi-corporate district is frequently difficult to distinguish from the special assessment or taxing district which is purely an administrative area.

ADVANTAGES AND DANGERS

The chief advantage of the special municipal corporation lies in its answer to jurisdictional questions. The supple agency capable of adjusting its legal boundaries to conform to the natural boundaries of the particular problem possesses a superiority of flexibility unrivaled by the historic agencies.

The chief danger lies not in the agency itself but in the chaotic multiplication of overlapping governments in those communities which attempt to solve complex problems by the augmentation of *ad hoc* bodies rather than by systematic reorganization of their entire governmental régime.

Adequate state supervision of the technical side of projects which are in fact frequently merely parts of a greater problem, and local budgetary control to consider as a unit the bonding and taxing powers and needs of all agencies within the county will remove other very grave dangers which assuredly exist at present.

Additional constitutional revisions to free revenue-producing improvements from present debt limitations, city-county consolidation, the trend towards regional government, and above all else the laggard movement towards reorganization of the county along modern lines, should result, ultimately, in the elimination of many of these districts as unnecessary and undesirable.

Until such time as the inadequacies of our present system are remedied, most of these districts must be credited with a positive contribution to the welfare of their communities.

For the future, even with the readjustments accomplished, it seems probable that the special municipal corporation, as a distinctive agency, will continue to establish for itself an important place as an essential part of governmental machinery without which some of the most motivating impulses and needs of communities cannot be satisfied.

RECENT BOOKS REVIEWED

THE ECONOMIC EFFECTS OF PUBLIC DEBTS. By Shutaro Matsushita, Ph.D. New York: The Columbia University Press, 1929. Pp. 186.

This is a timely and readable volume on the history, the nature, the purpose and the economic effects of public debts. Fully one-half of the volume consists of a survey of representative opinions or theories on public debts that have been advanced by great writers on public finance since Jean Bodin first made the observation that the royal expenditures upon public works were unconditionally beneficial to the country. The method of treatment is mainly that of comparison and contrast. In the light of modern experience and on the basis of present views, the author also endeavors to reveal the wisdom and error, the pessimism and optimism of the early theories.

Among the contributions which the modern school has made to the theory of public debts, the following are considered significant: the establishment of the concept that public credit in itself is neither a good nor an evil, but that great harm or benefit may come of it according to the way in which it is utilized; the closer analysis of the differences in economic effects of taxes from those of loans, with a consequent clearer recognition of the advantages obtainable by the judicious application of both in the financing of emergencies; the drawing of a distinction between productive and unproductive, and ordinary and extraordinary expenditures, together with an analysis of the different economic consequences that arise from loans made for those various purposes; the analysis of the different kinds of loans according to the sources from which they flow, or according to the manner in which they are paid; the psychological analysis of the industrial effects of large loans to finance a war.

In discussing the economic effects due to the nature, the purpose, and the redemption of public debts, the author presents an abundance of facts to fortify his theories and precepts. Bonds with a high rate of interest are favored only in times of emergency, because they aid in readjusting business relations and in encouraging production. Perpetual bonds are regarded useful for the government and the people in case of borrowings for non-commercial or semi-commercial investments, because the government is relieved of an untimely demand for repayment, while the people are relieved of heavy taxation because the burden of cost is distributed over a long period. For the purpose of industrial undertakings, foreign loans ought to be undertaken to the fullest extent, provided that the rates of interest are reasonable and that no political conditions are attached to them. The period immediately after the war is propitious for the redemption of war debts, because then taxes have expanded, business is prosperous, and the burden of debt is little felt. Public ownership *per se* is economically justifiable, and, furthermore, ought to be vigorously advanced in all such fields as telephone, telegraph, railroads, gas, water, street railway, and electric light services, wherever and whenever private ownership runs counter to public interest and there is certainty of success for public ownership. Public debts contracted for such purposes are "truly conducive to great public welfare."

The author wisely conditions his statements of principle, so that his opinions do not seem arbitrary and dogmatic. Students of public finance who are seeking an introductory treatise on the subject of public debts will find this a very useful volume.

MARTIN L. FAUST.

◆

PLANNING INFORMATION UP-TO-DATE. A Supplement, 1923–1928, to Kimball's Manual of Information on City Planning and Zoning, including References on Regional, Rural and National Planning. By Theodora Kimball Hubbard and Katherine McNamara. Cambridge: Harvard University Press, 1928. Pp. 111.

The rapid broadening of the field of city planning is forcefully shown by the list of new subjects in the comprehensive bibliography in this volume:

- Airports
- Architectural control
- Automobile service stations
- Billboards
- Boards of Zoning Appeals
- Budgeting
- Building lines
- Citizens' committees
- Court decisions—Platting
- Court decisions—Zoning
- Definition of city planning

Districts, Residential
Esthetic regulation
Resorts, Pleasure
Roadside stands
Setback building lines
Street traffic surveys
Super-highways
Vision clearance
Zoning—Administration

None of these had become prominent in 1923, when Miss Kimball's *Manual of Information on City Planning and Zoning* appeared.

The present book, bound uniformly with the *Manual*, is intended to be used as a supplement to this compendium of information on city planning, its meaning, its procedure, its propaganda methods, and kindred topics. To the earlier bibliography 53 pages, or practically 50 per cent., have been added. The citations on state planning have been doubled. A contemporary list selects the best articles on city planning abroad as well as reports for the most progressive American cities. Ten new titles have been added to the "Twenty-five References for a City Planning Library."

The list of organizations active in promoting city planning in the United States reveals nineteen national bodies, as well as twelve states with volunteer organizations and seventeen cities with regional planning groups at work.

It is noteworthy that these uniquely informative volumes are the direct result of research activities by the staff of the Library of the Harvard University School of Landscape Architecture. More and more research in city planning is profoundly needed, and for this our leading universities seem eminently fitted.

ARTHUR C. COMEY.

⁂

MODERN PUBLIC CLEANSING PRACTICE: ITS PRINCIPLES AND PROBLEMS. By A. L. Thomson. London: The Sanitary Publishing Co. Pp. 260.

Mr. Thomson, who is the cleansing superintendent of a Scottish burgh, presents in this little volume a discussion of the principles, and a description of British methods of municipal refuse collection and disposal and street cleaning. While the ground covered is quite comprehensive, much attention is given to fundamentals. The British official who wishes to improve his knowledge of municipal cleansing and the student who is ambitious to become a British cleansing superintendent would find this book helpful. Lists of questions are placed at the ends of the chapters to assist the student to test his knowledge. However, the omission of an index detracts from the usefulness of the book as a work of reference.

For those of other countries the chief value of the book, in addition to its history of municipal cleansing and the discussion of principles, will probably lie in the opportunity which it gives to compare British with other methods and to glean suggestions for improvement. The American reader, unless he is recently from Great Britain, will stumble here and there over unfamiliar terms. For example, a tip is not the gratuity bestowed in some American cities by the weary householder upon the refuse collector to induce him to make his collection from the cellar instead of the street, but it is a dump; the equipment for hopping is a kind of barge; and gritting a street is done to prevent skidding.

It is interesting to the student of municipal government that Mr. Thomson advocates a separate department for the cleansing service. Furthermore, while he gives both sides of the question, his argument seems to support municipal rather than contract work. He sets a high standard of qualification for the municipal cleansing superintendent. If the qualifications for the position given in the book can be realized in practice the service would be on a high plane of efficiency and this, Mr. Thomson urges, is where it should be. The "shovel engineer" and "the man who knew all about horses" are no longer adequate.

Apparently human nature in Great Britain has points of similarity with that of the United States. In both countries the householder, it seems, does not always coöperate whole-heartedly with the municipal cleansing forces. Mr. Thomson devotes a chapter to the educational and publicity work useful in attempts to obtain the householder's coöperation. Scavengers also, to mention only one other similarity, create a problem on both sides of the Atlantic.

C. A. HOWLAND.

⁂

A TEN-YEAR FINANCIAL PROGRAM FOR SYRACUSE, NEW YORK. By Orin F. Nolting, Syracuse University, School of Citizenship and Public Affairs, 1929. (Typed.) Pp. 125.

The report, outlining a comprehensive financial program for Syracuse, is the result of an extensive investigation by the Municipal Research

Commission of that city, made at the request of the mayor. The Commission authorized Mr. Nolting, as secretary, to obtain estimates of present and future needs from the various departments, both for operating expenses and capital improvements, for the next ten years. The report summarizes these estimates, and sets up a revenue program to meet them.

The need and procedure for such a program, and the importance of population increase, are set forth following an initial summary. The probable operating requirements are discussed in some detail.

Then follows a presentation of capital improvements proposed. These estimates are the result of detailed reports by the several bureaus, as approved by the department heads. The main means of financing the program, as to taxes and other revenues, are then discussed, followed by an appendix consisting of nine schedules relating to past and future expenditures, taxes and debt. The figures throughout the report are supplemented by a series of graphs. An exhaustive bibliography is appended.

Syracuse has a population of 185,000 and an assessed valuation of $313,000,000. For the next ten years, it is estimated that operation and maintenance will cost $165,000,000, and improvement projects, $60,000,000. It is proposed that part of the revenue come from gradually raising the present 60 per cent basis of assessments, and pay-as-you-go is recommended for schools and other recurring outlays.

The report differs from the usual long-term program in its ample discussion of current operation, as well as outlays. It differs also in that it is merely an assembling of departmental estimates, for submission to the executive, without critical judgment by the commission as to necessity or urgency of each project. The executive must weigh them all, as well as consider the city's economic ability to finance his recommended program. Public hearings will naturally follow. These facts are undoubtedly fully recognized by the commission, and are not offered in the way of a criticism, but merely to point out that it is a program before rather than after official action. Public officials, incidentally, are usually slow to act in committing themselves to a definite program of this kind.

The report is very carefully worked out and presented, and is an unusually complete and adequate study of its kind.

C. E. Rightor.

County Welfare Organization in Ohio. The Ohio Institute, Columbus, Ohio. November, 1928. Pp. 61.

The findings of this important report on county welfare administration, prepared and published by the Ohio Institute, of which R. E. Miles is director, have a familiar ring to all who have had the opportunity to explore this no man's land of public administration. It is worth while, perhaps, to summarize in brief what these findings were, for they embody criticism which could probably be made of county welfare administration in the great majority of our states.

1. The county is the outstanding local government unit in the field of welfare administration.

2. Welfare administration ranks second among county functions in point of cost, requiring about $12,000,000 per year.

3. County welfare administration is utterly headless and decentralized.

4. Standards of welfare administration vary widely among counties both as to the size and training of the personnel and as to the adequacy of the service rendered.

5. A large number of counties do not have any full-time social service employees, and most counties lack sufficient staffs for handling social work.

6. Very few persons handling county welfare activities have had any training in social work and relatively few have had previous experience in dealing with welfare problems.

7. The efficiency of county welfare work is seriously impaired by inadequate investigation.

8. County relief is lacking in social service and constructive assistance.

9. Public welfare administration is greatly handicapped in many counties by inadequate financial support.

To remedy these conditions which the report regards as a barrier to efficient administration of this important group of activities, it proposes to establish county welfare departments embracing all charitable and correctional activities. It recommends the extension of state public welfare services so that the state may better provide for coöperative assistance to the counties, enactment of legislation to permit the boards of county commissioners to create the position of county superintendent of public welfare, who may act as the agents of such boards in dealing with problems of public welfare and social readjustment.

An unsalaried, advisory board of welfare for each county is also recommended, such board to be established by each board of county commissioners for the purpose of studying county welfare work and advising the superintendents of public welfare on matters of policy.

This report of only 61 pages is one of the best discussions of county welfare problems which has come to our notice. Dr. Miles and his co-workers have done a splendid piece of work and we hope that the excellent plan which they have developed for county welfare administration in Ohio will receive the attention it deserves from state and county officials. It is unfortunate that bureaus of municipal research have so little opportunity to direct their attention to county government.

Carl E. McCombs, M.D.

REPORTS AND PAMPHLETS RECEIVED

EDITED BY E. A. CRANDALL

Selection of Patrolmen in Syracuse, New York.—By the Municipal Research Commission of Syracuse, January, 1929. 48 pp. (Mimeographed.) A report submitted to the Municipal Civil Service Commission. Contains existing procedure in Syracuse with recommended changes. The recommendations might well be studied by other cities in their selection of members of the police force.

*

Compilation of Laws Pertaining to the Metropolitan Police Department.—Compiled under the direction of the superintendent of metropolitan police, Washington, D. C., 1928. 43 pp. Covers laws dealing with the organization, rules and regulations, powers, discipline and other matters concerning the metropolitan police department, District of Columbia.

*

Survey of the Metropolitan Police Department of Kansas City, Missouri.—By Kansas City Public Service Institute under the direction of August Vollmer, March, 1929. 165 pp. and appendices. (Mimeographed.) Made for and approved by the Chamber of Commerce of Kansas City. The purpose of the survey was stated by the police and fire committee of the Chamber of Commerce as follows: to "collect information concerning crime, vice, traffic and other police problems; study every phase of the organization and administration of the local police department; estimate if possible whether or not the force is adequately manned, distributed, supervised and equipped to meet the problems presented and to submit an opinion of actual requirements for the economical and efficient administration of the Kansas City Police Department." Those making the survey compared and evaluated all the data acquired by a thorough investigation and reduced it to "tables, charts, graphs and recommendations." These comprise the report.

*

The Pension Systems of the City of Detroit.—By the Detroit Bureau of Governmental Research, January, 1929. 46 pp. (Mimeographed.) Submitted to the city controller and the director of the budget. Municipal pensions are not justified on sentimental grounds but are based rather on economic expediency. The report explains practices in Detroit and in its conclusion suggests a joint committee of employees and administrative officials to consider pension problems.

*

Street Traffic Signs, Signals, and Markings.—Report of the Committee of American Engineering Council, 1929. 58 pp. A recommended practice, based upon a thorough analysis of fundamental facts with the hope of securing "better and more uniform practice as a means of increasing safety and facilitating traffic on city streets." Surveys were made and returns analyzed for over 100 cities.

*

Fourth Annual Report of the Board of Adjustment, Zoning, City and County of Denver, Colorado.—1929. 22 pp. Contains details on exceptional cases handled by the board with mention of a number of meetings, with number and types of cases disposed of.

*

Delaware's General Budget for the Fiscal Years Ending June 30, 1930 and 1931, Part II,

Action by the Budget Committee.—By the Taxpayers' Research League of Delaware, Wilmington, Delaware, March, 1929. 8 pp. (Mimeographed.) Part I consists of an analysis of the general budget as submitted to the legislature by the governor. Part II analyses the revision by the budget committee of the legislature and passed by the House of Representatives but still under consideration in the Senate.

*

The Mayor's Budget.—By the Buffalo Research Bureau, March, 1929. 10 pp. (Mimeographed.) A memorandum to the common council on the proposed budget for the fiscal year 1929–30 as submitted by the mayor on March 15, 1929. What the Bureau considers to be "gross irregularities" in the budget are set forth in detail.

*

Report of the Arkansas Commission on Business Laws and Taxation.—January, 1929. 224 pp. Report of Commission appointed by the governor pursuant to an act passed by the state legislature. Essential facts on assets, income, taxes and debt for Arkansas are collected. No specific legislative measures are recommended but the facts necessary for the formulation of such legislation are provided.

*

Magistrates' Courts in the Borough of Manhattan.—By the Women's City Club of New York and the City Club of New York, January, 1929. 11 pp. A study of some of the features of these courts as they exist at the present time.

*

The City Manager Plan in Iowa.—By John M. Pfiffner. 152 pp. Reprinted from the October, 1928, and January, 1929, numbers of the *Iowa Journal of History and Politics*, published by the State Historical Society of Iowa. Since the early Iowa law made no provision for a city manager in city government, the manager was elected as city clerk but given the additional title of city manager. In 1915 two acts were passed by the legislature providing for an optional city manager plan of government. The report deals with a history of city manager government since that time.

Nine cities and one town are discussed in detail. History, organization, and results are given for each. The author then discusses briefly the unsuccessful attempt to adopt the manager plan, cases in which it has been abandoned, and those cities that have what he terms quasi-managers. In his summary Mr. Pfiffner gives an evaluation of the results of city manager government in Iowa.

*

The Merit System.—By Oliver C. Short, 1928. 159 pp. Contains a statement of personnel work in industry and a description of the merit system in government. The merit system law of Maryland and the rules of the employment commission of that state are included. Appendix I is an extensive bibliography. The monograph is planned primarily for courses in civics in public high schools.

*

Report on Akron City Lines of the N. O. P. and L. Company.—By the Bureau of Municipal Research of the Akron Chamber of Commerce, November, 1928. 143 pp. Prepared for the Citizens' Franchise Fact Finding Committee and submitted to the mayor and city council for use in franchise negotiations. A very comprehensive study including court decision on valuation and rate of return, analysis of franchises, accounting study, analysis of prior appraisals, physical appraisal, historical cost of city lines, capital securities issued, estimate of return, operating income and expense, annual depreciation charge, and economies of car and bus fares.

JUDICIAL DECISIONS

EDITED BY C. W. TOOKE

Professor of Law, New York University

Police Powers—Flagman at Railroad Crossing.—In *Hargrave* v. *Texas & P. Ry. Co.*, 12 S. W. (2d) 1009, the Commission of Appeals of Texas sustains the validity of a police ordinance requiring the defendant to keep a flagman at crossings to give notice of approaching trains. The failure to obey the ordinance was found to have been the proximate cause of the plaintiff's injury and the defendant attacked the validity of the ordinance as a reasonable exercise of the police power. While the ordinance prescribed that a flagman should be on duty from 5 A. M. to 10 P. M., the court construed it to mean only upon the approach of trains within those hours. The holding of the trial court that the failure to obey the ordinance was negligence in law was sustained.

A similar question was decided by the Supreme Court of the United States, February 22, 1929, in the case of *Nashville, Chattanooga & St. Louis Ry.* v. *White*, 49 Sup. Ct. Rep. 189, in which the plaintiffs intestate had been killed on a grade crossing in Memphis. As in the previous case, the liability of the defendant was predicated upon the violation of an ordinance requiring a flagman at a grade crossing. The only question before the Supreme Court was the validity of such an ordinance, especially in view of the substitution of an electric flashlight signal by the railway company. The court, speaking through Mr. Justice Holmes, held that the ordinance could not be held to be unreasonable as a matter of law, that there is a marginal chance that a flagman may save a life of a person where the mechanical appliance would not so fully warn.

In neither of these cases was the question of the delegation of the power to enact reasonable ordinances to control traffic at railroad crossings raised. It is usually assumed to exist under a general grant of local police power, though there may be limitations imposed by other state statutes which sometimes are construed to negative the implication. (*Pennsylvania Railroad Company's Appeal*, 213 Pa. 373.)

◆

Officers—Right to Compensation.—The divergent views of the right of a municipal officer to the salary of his position when he is excluded from ocupying his office is well illustrated in two recent cases, one arising in New Jersey, the other in Kentucky. This question usually arises in cases in which a *de facto* officer discharges *pro tempore* the duties of the office and is paid the salary. The weight of authority, based upon the necessity that the public duties be discharged, holds that the *de jure* officer under such circumstances cannot recover against the city, whatever may be his remedy against the *de facto* officer. In the New Jersey case, *Fitzpatrick* v. *Peasare*, 143 Atl. 725, this doctrine is extended to prevent recovery of salary by an officer duly appointed, but prevented from occupying his office by other public authorities. The supreme court places its decision upon the ground that the officer's right to compensation is based solely upon the rendition of services. The plaintiff in question, an acting police officer, was promoted by the commissioner in charge of appointments just before going out of office. The incoming commissioner refused to acknowledge the validity of the appointment and the officer continued to discharge under protest the duties of his old position and received the salary attached thereto. The validity of this appointment having been upheld his action was to recover the emoluments of the office.

In *Blanks* v. *Tombs*, 14 S. W. 2d 153, the court of appeals of Kentucky upheld the right of the petitioner to the salary of his office, from which he was wrongfully excluded, upon the principle that the salary is an incident of the office, and affirmed a writ of mandamus directed to the mayor to sign the warrant that would entitle him to his pay. The latter ruling seems more consistent with the general principles of the law of public officers, and we may expect the judgment of the New Jersey court to be reversed by the Court of Error and Appeals, to which the plaintiff has appealed.

◆

Parks—Rights of Abutting Owners to Continuance.—The lack of power of the municipality or of the state itself without compensation to the owners of property affected to divert from its prescribed use land dedicated by private individuals to park purposes has long been an admitted principle. The right of such property owners to invoke the powers of a court of equity to restrain a diversion of park lands to other purposes has been often recognized where they have bought and improved the lands relying upon a private dedication or a dedication by the public itself. The doctrine that the adjoining owner in either case has a peculiar interest in the maintenance of a park, over and beyond the general interest as a member of the public or as a taxpayer, is now established in several states. That such rights are analogous to those of an abutting owner in the maintenance of streets and arise from the relation of the adjoining lands to the park is illustrated by two cases recently decided by the Supreme Court of Illinois.

In *Carstens* v. *City of Wood River*, 163 N. E. 816, the city purchased a small tract of land which was conveyed to it for "park purposes." In 1926, the city, wishing to use the land for a playground, obtained from the grantor a quitclaim deed granting its use for a "recreation center" . . . "including public playgrounds, swimming pool, bath houses and recreation pavilion." The city thereupon proceeded to erect such structures against the protests of Carstens, who owned lands suitable for building purposes adjoining the park. He thereupon filed a bill for an injunction on the ground that he had an easement in the park property, and could not thus be deprived of its value without his consent. The court held that the bill stated a good cause of action, that the use proposed was not a park purpose and that the demurrer to the bill should be overruled.

In *Robbins* v. *Commissioners of Lincoln Park*, 164 N. E. 10, a similar question arose on demurrer to a bill to enjoin the defendants from erecting an elevated boulevard along the lake front, the petitioner claiming that such an erection was not for a park purpose but a diversion to highway purposes and would result in injury to his lands which adjoined the park. The court held that the act turning these lands over to the commissioners limited its use to park purposes, and that the demurrer should be overruled. (See also, *Chicago* v. *Ward*, 169 Ill. 392; *Fessler* v. *Union*, 67 N. J. Eq. 141.)

◆

Indebtedness—Creditors' Rights Upon Change of Boundaries.—In *Chicago Title & Trust Co.* v. *Hagler Special School District*, 12 S. W. (2d) 881, the plaintiff sued as trustee of certain mortgage bonds issued by the defendant district to obtain judgment for the amount due and to foreclose the mortgage. The defendant had been authorized to mortgage its property to secure the issue of bonds, proceeds of which went to construct a school building. The district was organized in 1915, but no notice of the intention to apply for such special act had been given as required by the constitution of Arkansas. In 1917 and 1919, material parts of the district were disannexed by acts of the legislature, each of which recited the irregularity in the organization of the defendant district. This defect was pleaded by the district in defense of the action and also the fact that the plaintiff had never complied with the laws authorizing foreign corporations to do business in the state. Upon the latter fact, the lower court held the contract for the bonds illegal and void.

The Supreme Court of Arkansas in reversing the judgment points out that the act of the defendant as trustee in suing upon the bonds in default is not doing business within the state (*Bamberger* v. *Schoolfield*, 160 U. S. 149) and that the legislature in passing the act creating the district necessarily found that the notice required by the constitution had been given, a finding not reviewable by the courts. The subsequent acts of the legislature in detaching material portions of the territory of the district were held to be void, as materially impairing the obligation of the contract (*Midland School District* v. *Central Trust Co.*, 1 F. (2d) 124).

The Supreme Court of Michigan in a case decided in January of this year goes still further in applying the contract clause of the Constitution to limit the power of the legislature to change municipal boundaries and holds that no such change can be effected unless proper provision is made for the allocation of existing indebtedness. In *Board of Education of Lincoln Park* v. *Board of Education of Detroit*, 222 N. W. 763, the plaintiff sought by mandamus to compel the defendant, to which the legislature had annexed a portion of the territory formerly included within the Lincoln Park district, to pay part of the interest on bonds issued before the disannexation. The act of the legislature provided that upon the division of the district, the part which remained should be liable for the payment of all indebtedness incurred for the erection of school houses therein. The Supreme Court of Michigan, in vacating an order denying a writ of mandamus to compel the defendant's officers to pay their proportion of the indebtedness, of its own motion decided that the act of disannexation was void as affecting the contract rights of creditors. The decision seems to unduly stretch the contract clause of the Constitution, for the limitation thus imposed upon the power of the state to readjust boundaries of its local subdivisions is not based upon the question of the material impairment of the creditors' rights, but is supported by several previous decisions of the court (*Finn* v. *Board of Supervisors*, 167 Mich. 166, *Board* v. *Ellinger*, 244 Mich. 28). It certainly goes much further in restricting the power of the state legislature in this regard than does the Supreme Court (*Kies* v. *Lowrey*, 199 U. S. 233).

◆

Street Obstructions—Police Regulations.—In *Hudson* v. *Terre Haute*, 164 N. E. 502, decided by the Indiana Appellate Court, January 11, 1929, the court in overruling a demurrer to a complaint which alleged that the cause of the plaintiff's injuries were due to the maintenance of a nuisance in the public street, took occasion to review the whole subject of obstructions erected by the city authorities for the purpose of promoting safety of traffic. The obstruction complained of was a marker placed in the street to mark off a safety zone, which the court intimates was a lawful structure which the city had the right to erect and maintain, being for the protection of the general traveling public.

Perhaps the leading case on this point is *District of Columbia* v. *Manning*, 18 Fed. 2d 806, 57 A. D. 156, decided in 1927 and reported and annotated in 53 A. L. R. 167. In denying that the maintenance of iron markers at the outside corners of safety-zones at car stops, in accordance with a uniform plan throughout the city, constituted negligence as a matter of law or subjected the municipality to liability to a pedestrian falling over a marker to his injury, the court said:

> It is clearly within the power of the commissioners to establish safety zones for the protection of the public in entering and alighting from street cars, as well as in waiting for the approach of cars. The establishment of safety zones, similar to the one in question, extends throughout the city, and is generally known by the public, and their use is recognized. It was not negligence as matter of law to place these markers in the street in accordance with a uniform plan throughout the city. Before a device placed in the street for the protection of the public generally, and as an aid to the regulation of traffic, can be said to constitute negligence per se, it is proper to consider the scope of the authority reposed in the commissioners in matters of this sort. Modern traffic conditions in large cities are at best highly dangerous and difficult of regulation. Wide latitude, therefore, will be afforded the authorities in devising and establishing safety devices. Platforms in the street for the protection of the traveling public in entering and alighting from street cars may constitute more or less an element of danger to vehicles and pedestrians using the street. The same may be true of the method of establishing safety zones, but it cannot be said that the exercise of such authority by the District Commissioners is negligence as matter of law. Where the advantages greatly outweigh the disadvantages, the exercise of the authority will be upheld.

Other cases raising the same question as to such obstructions erected in the streets to promote the safety of the traveling public are cited by the court and may be studied with profit: *City of Jacksonville* v. *Bell*, 93 Fla. 936, 112 So. 885 (concrete landing platform; city not liable); *Town of Hobart* v. *Casbon*, 81 Ind. App. 24, 142 N. E. 138 (cement traffic post; town held liable); *Titus* v. *Town of Bloomfield*, 80 Ind. App. 483, 141 N. E. 363 (silent policeman in center of street; judgment for defendant affirmed, for failure to give statutory notice); *Shannon, Admr.* v. *City of Council Bluffs*, 194 Iowa, 1294, 190 N. W. 951 (bridge truss in center of street; city held not liable); *City of Elyria* v. *Meacham*, 113 Ohio St. 138, 148 N. E. 689 (overhead bridge pier, city held not liable); *Aray* v. *City of Newton*, 148 Mass. 598, 20 N. E. 327, 12 Am. St. Rep. 604 (hitching post; city not liable); *Vicksburg* v. *Harralson*, 136 Miss. 872, 101 So. 713, 39 A. L. R. 777 (bumper in street; city held liable), *Brennan* v. *City of Streator*, 256 Ill. 468, 100 N. E. 266 (water box; city liable), *Dougherty* v. *Trustees Village of Horseheads*, 159 N. Y. 154, 53 N. E. 799 (boulder; not liable), *Gulfport & Mississippi Coast Trac. Co.* v. *Manuel*, 123 Miss. 266, 85 So. 308 (guy wire; not liable); *Wells* v. *Village of Kenilworth*, 228 Ill. App. 332 (elevated safety island; a judgment for the defendant on a directed verdict was reversed).

Another important case bearing upon the right to obstruct a street by the congregation of people was decided by the Supreme Judicial Court of Massachusetts in January of this year (*Commonwealth* v. *Surridge*, 164 N. E. 480). The defendant was convicted of the common-law offence of obstructing a highway. He had been granted a permit by the authorities of the City of Lynn to speak on a certain evening at a specified place on State Street. He appeared on the evening in question, mounted a box in the traveled portion of the highway and soon gathered a large crowd attracted by his eloquence in defending the right of the people to assemble in and use the streets for the purposes of free speech. The crowd becoming so large as to interfere with traffic, he was ordered to desist and upon his refusal submitted to arrest.

In affirming the conviction, the court speaking through Rugg, C. J., said:

> By the location of a highway an easement of passage is secured for the public with all incidental privileges thereby implied. The fee of the land commonly remains in the owner, who may make any use of it not inconsistent with the paramount right of the public. The easement of passage for the public acquired by the layout of a highway includes reasonable means of transportation for persons and commodities and of transmission of intelligence. Whatever interferes with the exercise of this easement is a nuisance, even though no inconvenience or delay to public travel actually takes place. *Wesson* v. *Washburn Iron Co.*, 13 Allen, 95, 102, 90 Am. Dec. 181.
>
> It is manifest that making a speech from a box and thereby gathering a standing crowd of people, all taking place within a highway, is not an exercise of the easement of travel. It is equally manifest that such speech making and standing crowd is an obstruction to the right of the public to use the highway for travel. It is quite different from the use of the highway for a procession or parade, or for seeing distinguished public personages, or other of the common uses of a highway whereby crowds of people are caused to collect. Occasions may arise where it may be difficult to draw the line. But the case at bar is not close to the line. It presents a plain instance of obstruction of a public way not authorized by any general law.
>
> To undertake to authorize such obstruction of a public way, in perversion of the fundamental conception of the purpose for which land can be taken for a public way, was beyond the ordinance making power of the city council of Lynn. The permit afforded no protection to the defendant.

The instant case, says the court, is governed in principle in every particular by *Commonwealth* v. *Morrison*, 197 Mass. 199, 83 N. E. 415, 14 L. R. A. (N. S.) 194, 125 Am. St. Rep. 338, where the subject is discussed at large. See, also, *Commonwealth* v. *Davis*, 140 Mass. 485, 4 N. E. 577; *Commonwealth* v. *Abrahams*, 156 Mass. 57, 30 N. E. 79; *Commonwealth* v. *Davis*, 162 Mass. 510, 39 N. E. 113, 26 L. R. A. 712, 44 Am. St. Rep. 389, affirmed in *Davis* v. *Massachusetts*, 167 U. S. 43, 17 S. Ct. 731, 42 L. Ed. 71.

◆

Streets and Highways—Rights of Abutter in Vaults Under Sidewalk.—The Supreme Court of Illinois in *Davis* v. *Chicago*, 164 N. E. 673, holds that a property owner who has constructed a vault under the sidewalk may enjoin the officers and agents of the city from interfering with such property rights until it acquires the right of appropriation by condemnation or otherwise. The city in the instant case had instituted a special assessment proceeding for widening the roadway on Milwaukee Avenue some eight feet and reducing the sidewalks on each side by four feet. The petitioner had occupied the subsurface area up to the curb, some fourteen feet in width, for upwards of twenty years as a subway and part of his premises. The court upholds the right of the abutter as owner of the fee in the street to make any use he sees fit in connection with his premises subject only to the dominant easement of the public to use the highway for travel. Such use is a valuable property right, which will be protected by injunction from a threatened invasion by the city authorities. The city may not take or damage such property without providing for compensation nor require the abutting owner to pay rental for the space occupied (*Tacoma Deposit Co.* v. *Chicago*, 274 Ill. 192). But it seems that a reasonable license for the privilege of erecting and maintaining such subsurface structures in the streets is consistent with the protection of the paramount public easement and should be sustained (*Appleton* v. *City of New York*, 219 N. Y. 150.)

PUBLIC UTILITIES

EDITED BY JOHN BAUER

Director, American Public Utilities Bureau

Supreme Court Decides Against Interborough in 5-Cent Fare Controversy.—On April 8 the Supreme Court of the United States handed down its decision in the Interborough 7-cent fare case. This involved the subway contracts between the City of New York and the Interborough Rapid Transit Company, particularly the right of the city in 1913 to fix by contract the rate of fare to be charged by the company. The contract rate is 5 cents; the company sought 7 cents; was there actually a legal contract, or was the right to revise the fare reserved by the state under the public service commissions law? There was also the jurisdictional point whether this legal question was properly before the federal court, or whether it should have been left for determination first by the state courts.

In 1913 the City of New York entered into what is known as "Contract No. 3" with the Interborough Rapid Transit Company. This contract provided for the construction of new subway lines and for the lease of the properties to the company for a period of forty-nine years, including also the subways constructed under prior contracts. All the physical properties covered by the lease are owned by the City of New York, except the equipment of the original subways constructed prior to 1913. The contract established a detailed financial system as to the treatment of revenues, expenses, and the returns to be paid to the company and the city. Among the financial provisions was fixed the 5-cent fare for the duration of the contract.

Contract No. 3 provided only for the construction and operation of the subways. In addition to the subways, however, the Interborough Company operates also an elevated system, leased from the Manhattan Railway Company. The city has no investment in the elevated properties, and is not a party to the lease. Both systems have been operated at a 5-cent fare. The subway contract with the city has been highly profitable to the company, but the elevated contract has resulted in huge losses, leaving the company with impaired credit, notwithstanding heavy subway profits. For the fiscal year ended June 30, 1928, the subway surplus, above all operating expenses and fixed charges, amounted to over $8,500,000, while the elevated deficit exceeded $6,000,000. The company's financial troubles have been due to the elevated lease and not to the subway contract with the city.

The company has made numerous efforts to obtain an increase in fares, but without success. On February 1, 1928, it tried a new method, filing a 7-cent schedule of rates with the transit commission under the section of the law applying to tariffs which are not subject to contract. Before the commission decided whether the new schedule was legally filed, the company moved to the federal court for an injunction against the transit commission and the city to interfere with the charging of a 7-cent fare on both subways and elevated lines, on the alleged ground that the 5-cent fare had become confiscatory. The injunction was granted, but its going into effect was suspended by order of the Supreme Court while the legal issues were to be decided. Without presenting a detailed account of the successive steps and climaxes in the case, the Supreme Court decision may be briefly summarized as follows:

(1) *The Question of Jurisdiction.*—The Supreme Court severely rebuked the lower federal court for granting the injunction:

> Considering the entire record, we think the challenged order was improvident and beyond the proper discretion of the court. The record is voluminous; the contracts between the parties are complex; the relevant statutes intricate. No decision of this court or any court of New York authoritatively determines the questions at issue. The basic one calls for construction of complicated state legislation.

The various steps taken by the company were recounted, including the time and manner of petitioning the federal court. The conclusion was that the transit commission should have had the opportunity to decide the case in the first instance; then the legal point as to the city's power to contract as to the rate of fare could have been contested in the state courts. There was no justification to move to the federal court for the determination under state statutes, when the state process of determination had already begun.

(2) *The City's Contractual Rights.*—The right of the city to enter into the 5-cent fare contract was not definitely decided, but the direct claim of the company was overruled:

> Both the bill of complaint and the argument of counsel here proceed upon the theory that under the law of New York as clearly interpreted by definite rulings of her courts, the contracts for operating the transit lines impose no inflexible rate of fare. With this postulate we cannot agree.

The court analyzed the so-called Nixon case, upon which the company had relied for its position. But in this case, the highest court of the state had definitely excepted the rapid transit contracts from the scope of its decision that the state had reserved all power over rates in franchises granted or contracts made after the enactment of the public service commissions law. The basic question as to the city's right to fix a 5-cent fare in the 1913 contract is thus left for the state courts to determine; it is their primary province to interpret complicated state legislation and the scope of the state constitution.

(3) *Separation of Subway and Elevated Systems.*—Although the decision appears to rest upon the jurisdictional point and does not go into the merits of the question whether there was a contract, yet the Supreme Court did consider and presumably decided issues that were raised under the assumption that there was no contract as to the rate of fare. If there was a contract, then there can be no confiscation. But if there was no contract, then the basis of judging the adequacy of the fare becomes important. In presenting its case, the company combined the subway and elevated systems. It presented a combined valuation of the properties, and claimed the right to have the fare fixed so as to bring an 8 per cent return upon the reproduction cost of all the properties, elevated and subways. This claim was overruled. The Supreme Court stated that, upon the record, it could not accept the theory that the two roads constitute a unified system for ratemaking purposes. The subways must thus be considered separately; they cannot be burdened with the elevated losses.

(4) *Separation of City and Company Investment.*—The company not only attempted to merge the facts as to subways and elevated, but also included the city-owned properties leased to it under Contract No. 3. All these properties were valued at reproduction cost, without regard to the actual investments made by the city or the company. The latter thus claimed to be entitled to a return of 8 per cent upon the total reproduction cost, without considering the ownership or the detailed contractual provisions with respect to the division of returns. This claim also was rejected:

> The power of the city to enter into contracts numbers 1 and 2 was affirmed in *Sun Publishing Association* v. *The Mayor, supra;* likewise the validity of contract number 3 was declared in *Admiral Realty Company* v. *City of New York, supra.* These cases point out that the object of those contracts was to secure the operation of railways property declared by statute to be parts of the public streets and highways and the absolute property of the city. . . .
>
> The claim for an 8 per cent return upon the values of subways, which are the property of the city and distinctly declared by statute to be parts of the public streets (*Sun Publishing Association* v. *The Mayor, supra*), is unprecedented and ought not to be accepted without more cogent support than the present record discloses.

(5) *General Basis of Valuation and Return.*—As to these matters, there was no discussion. The validity of reproduction cost and the claimed right to 8 per cent were not considered. These are matters to be determined only in an actual proceeding involving the reasonableness of the rates, if and when it be declared that the 5-cent fare part of the contract is not binding. But even in that event, there would be the further fact to be considered that the contract divides the return upon a definite basis precisely stated, and not upon any general doctrine of "fair value."

The decision of the Supreme Court thus upholds the transit commission and the city in every respect, except that it does not finally declare that the city had the right to contract for the 5-cent fare and that this is an inflexible provision for the duration of the contract. This is left an open question which may be pursued in the state courts; its determination involves the interpretation of state statutes and the scope of the state constitution. If the company persists in its view as to its rights, it evidently must go to the state courts for a decision. The road to the federal court now appears to be barred, except as a final appeal from the state courts. Before the latter, it must first get rid of the 5-cent fare provision of the contract,—which seems hardly worth a gambling chance. If it should succeed, it would, of course, have to separate the elevated from the subways, and the city's investment from its own properties,—and it would have a difficult task to convince any court that it has not been making an adequate return upon its own investment in the subways, even if considered at 8 per cent upon reproduction cost. But, in view of the specific provisions of the contract as to the division of returns, the state courts could hardly sustain any other basis of return than as fixed by the contract; these very provisions lead back to the 5-cent fare, even if abstractly this fixed rate were held to be subject to variation.

To anyone thoroughly acquainted with the New York rapid transit contracts and their relation to city policy, the company's case could never seem anything but expensive speculation with contracts and the law. The company did succeed in getting its phantasies accepted by the lower federal court,—whose action could hardly be characterized more severely than that it was "improvident and beyond the proper discretion of the court." It did succeed in obtaining the services of extremely eminent counsel, but the fees were substantial and not contingent upon the outcome, and under our standards, any issue entertained by any court is entitled to representation by any counsel retained at any fee. The costs to the company apparently reach well over a million dollars; but the management is hoping to place these costs upon the city as operating charges under the contract. It may not succeed.

The decision is one of extreme public importance to the city and all other cities. It leaves scope for municipal policy in relation to utility service and rates. It restores in part the function to the state courts, and should serve as a deterrent to public utilities in following recent tendencies of avoiding state tribunals in rate cases. It has brushed aside specious considerations which might otherwise become troublesome hereafter in other instances. It has brought to the front public purposes which must be considered in dealing with public utilities. In New York it will doubtless hasten the much-needed transit unification program, which has been blocked largely by the activities and influences of the particular company. It has already started a public demand for the retirement of the present Interborough management, which has been medieval in its attitude toward the public. The Supreme Court enjoys increased reverence from all intelligent and public-spirited citizens.

New York System of Commission Regulation to be Probed.—Following the *New York World's* editorials on the "Breakdown of Commission Regulation," and other similar criticism from various quarters, two bills were introduced in the New York legislature providing for the investigation of the present system of regulation. One of these bills was passed just before adjournment. It provides for a special commission of nine members: the temporary president of the senate, and two members appointed by him; the speaker of the assembly, and two members appointed by him; and three members appointed by the governor. The commission would have power to compel the attendance of witnesses and the production of books and papers, with the duty

> to make a thorough survey, examination and study of the public service commission laws of this and other states, for the purpose of ascertaining whether the public service commission law of this state accomplishes the objects for which the system of state regulation was established, and for determining what amendment or revision of the public service commission law is essential to guarantee to the public safe and adequate service at just and reasonable rates, to the stockholders of public service corporations, a fair return upon their investments, and to bondholders and other creditors, protection against impairment of the security of their loans; to recommend to the legislature any remedial or other legislation with relation thereto which it may deem proper as a result of its survey, examination and study; and to formulate and prepare or cause to be prepared a draft of any proposed legislation which may be recommended by it with reference to this subject.

The commission is authorized to engage such assistants as it may deem necessary, and to fix compensation within the amount of the appropriation of a total of $40,000. The members of the commission shall receive no compensation for their services, but shall be entitled to their actual and necessary expenses incurred in the performance of their duties.

While the scope of the bill is broad enough to carry out the purposes of the *World* and other critics of the present system of regulation, the size and manner of appointment of the commission might indicate an unwieldiness which would make "soft-pedaling" and "sidestepping" more easy than under a small commission consisting, according to the *World's* suggestion, of former Governors Hughes, Miller and Smith. Some of the groups interested, including the New York City Club, are urging the governor to veto the bill, and then appoint a Moreland Act commission to go thoroughly into the matter. While they do not desire an attack upon the present personnel of the commission, they do wish a searching study of policies and methods to make regulation effective and sound. They fear that under the proposed commission no such thorough study would be made; that the evils of the present system would be largely glossed over; and that no investigation now would be better than a superficial report which would "whitewash" present conditions.

⁂

New Stage Reached in New York Telephone Case.—On March 11 the special master of the District Court of the United States, Southern District of New York, found that the telephone rates for the state and city of New York, fixed by the public service commission in 1926, are inadequate. This is a notable case, because of its size and complexity, its great duration, the overlapping jurisdiction of state and federal powers, the issues involved, and the strenuous fight made by the city against an increase in rates.

The master adopted outright as the basis of "fair value," the reproduction cost of the physical properties, less the observed physical depreciation, finding both quantities as claimed by the company. He disallowed, however, part of the claim for working capital and going value; and rejected other large items. He held that the company is entitled to a return of 8 per cent upon the value as found. Both the company and the city, as well as the public service commission and the attorney-general, have filed objections with the court. After the court's decision has been made, we shall discuss in this department the principal facts and issues in their relation to proper standards of rate regulation.

⁂

Power Authority "Out the Window."—Among the old Smith policies in New York taken over by Governor Roosevelt is the former's plan of power development. In a special message to the legislature, the governor proposed the establishment of a power authority through which the hydro-electric power of the state would be developed, especially the St. Lawrence project.

Governor Roosevelt added materially to the Smith analysis, by showing that the state would have to provide for a complete system, so as to assure rate protection to the ultimate consumers. He pointed out that the state could not rely upon the existing system of regulation to safeguard consumers against excessive rates. But the legislature paid scant attention to his proposal. For the time being, it is "out the window," but it will doubtless come back, to be thrown out again; but ultimately it may come back to stay, to be worked out in the interest of the public at large.

MUNICIPAL ACTIVITIES ABROAD

EDITED BY W. E. MOSHER

Director, School of Citizenship and Public Affairs, Syracuse University

National Planning in Electricity.—The eighth annual report of the electricity commissioners in England has just been issued. It covers the period from April 1, 1927, to March 31, 1928. As has been pointed out before in these columns, the duty of the electricity commissioners is to bring about a coördinated development of generation, transmission and distribution of electricity throughout England and Scotland. The chief feature of the period covered by the report is the adoption of two regional schemes, the one covering central Scotland and the other southeast England.

The commission warns the readers of the report that the proposed scheme cannot be accomplished immediately and suggests that five years will pass before the modifications in the main transmission system outlined for the two regional schemes are brought about. A further scheme for central England has already been completed and transmitted to the central board. A fourth scheme relating to northwest England and north Wales was at an advanced stage at the end of March, 1928. It is estimated that the total expenditure by 1934–35 will be in the neighborhood of twenty-seven and one-half million pounds and that the gross savings to undertakers will amount at this time to nearly seven and one-half million pounds.

Considerable space is given in the report to the methods of a sliding scale of price and dividend, under which the price is to be reduced accordingly as the standard rate of profit is exceeded. It is also pointed out that a stand will be taken against enterprises that depend upon a system of local taxes. The commission has adopted the normal practice of disallowing applications for such a system except under very unusual circumstances.

A special committee of the commission has been appointed to deal with the problem of making rates uniform. This is looked upon as an important measure because of the widespread variety of tariffs that are now maintained by selling agencies.

Considerable emphasis is laid on the matter of supplying electricity to rural areas. Although only about twenty-two per cent of the population of the country are resident in such areas, these comprise nearly ninety-two per cent of the total area of Great Britain. It is believed, however, that many distributors are expanding rural electrification in conjunction with municipal centers. The rural load is looked upon as a supplement to the urban load. Consideration is being given to the construction of low tension overhead transmission lines which under present specifications may be constructed at less than two hundred pounds a mile. A special agent of the commission has been appointed to devote himself exclusively to the problem of supplying the rural sections of the country with electricity.—*Municipal Journal,* February 22, March 8, and March 22, 1929.

⁂

Municipal Insurance.—The trustees of the Mutual Municipal Insurance, Ltd., which is made up of associated governmental authorities, have rendered their annual report for the year 1928. Among the outstanding features of the report are the following: the funds of the association increased in the course of the year by £4,461, the premium income, after deducting the amount for reinsurance, totaled £60,464, while the net fire losses were £7,062. Extensive progress was made in the miscellaneous insurances department where the following risks are covered—fidelity, guaranty, burglary, motor vehicles, etc. All balances are assigned to the various reserves. The total of the funds on hand at the end of the year was £442,910. Among other things certain reductions of annual premiums are recommended. The total number of local communities insured in the mutual municipal insurance now is in the neighborhood of 1,100.—*Municipal Journal,* March 22, 1929.

⁂

"Sports Physician".—During the past three or four years considerable attention has been given in Germany to the importance of guarding young people engaged in sports from danger of strain on the one hand, and of stimulating them to participate in sports that might aid in connection with underdevelopment and malformation on the other. The Union of German Cities and other agencies have devoted special sessions and inspired special conferences to discuss this subject, having in mind the desirability of organizing under the auspices of the city a special office that would be properly equipped and manned for the purpose of giving physical examinations systematically to those who are engaged in sports. This movement has had the backing of the Prussian minister of public welfare. A center has already been assured in the city of Berlin.

It has been further recognized that in the organization of such advisory and examining centers special provision should be made for training courses that would equip physicians to undertake the responsibility of this work.

As far as the costs are concerned, the principle has been adopted that various organizations interested in sports should be called upon to meet the major expenses, but that contributions might well be made in the regular budget of the community concerned to stimulate the program and assist needy organizations.

The space and equipment necessary for the conduct of such examinations are described in full detail in the course of the article. Fees that are acceptable both to the organization of physicians and to the authorities are set forth. It is estimated that about a half hour will be required for the type of investigation proposed.

Finally it is recommended that there should be attached to the State Bureau for Young People an agency to serve as a clearing house for methods and experiences with the suggested examination.—*Zeitschrift für Kommunalwirtschaft*, March 10, 1929.

◆

Safety on the Streets.—Experiments have recently been carried on in Berlin and its vicinity as to the slipperiness of various types of street surfacing. Nineteen different varieties of tar and asphalt surfaces were suggested for a series of experiments in which automobiles with pneumatic tires were used. Surfaces were wet down at the rate of one liter of water to each square meter. The following factors were taken into account: bringing the automobile to a stop with the brakes, the path followed by the automobile during the application of the brakes, skidding and steering control. Here follow the names of some of the different materials used in the test: tar, bitumen, tar dressing, tar cement, Trinidad sand asphalt, asphalt cement, and a mixture of tar, asphalt and cement.

Among the noteworthy conclusions are the following: stamped asphalt when wet is peculiarly dangerous. By using rough surfacing such as tar and a mixture of tar and cement, the space necessary for bringing the automobile to a stop is much reduced. Tar surfaces in general are safer than bituminous ones; there seems to be less likelihood of skidding on such surfaces. It is unsafe for automobiles to exceed twenty kilometers an hour when stamp asphalt is wet. It is therefore recommended that the speed be reduced to fifteen kilometers an hour in order to avoid accidents. Streets already covered with stamp asphalt should be treated with a superficial surfacing of tar or bituminous emulsion which has been sprinkled with sand. It has been found that the application of a very slight tar covering with sharp sand gives a surprising amount of help. It is finally recommended that in laying new asphalt streets some treatment of the surface should be provided in order to reduce the danger of skidding.—*Zeitschrift für Kommunalwirtschaft*, February 10, 1929.

◆

Professional Standards.—A Royal Commission on local government is now sitting in England for the purpose of making recommendations concerning desirable changes in administrative practice, personnel administration, and other features of local government. At a recent hearing, representatives of the financial officers, the sanitary inspectors' association, and a society of clerks to urban district councils presented the opinion of these associations to the Royal Commission.

Financial Officers.—The opinion was expressed by the financial officers that the treasurer of any local authority should possess a recognized professional accountancy qualification as prescribed by the Minister of Health. It was their conviction that the chief financial officer should be appointed through promotion from a group of qualified accountancy assistants or transferred from another local authority. The appointment of any officer from outside the service who had not a diploma from the Institute of Municipal Treasurers and Accountants was deplored.

It was also recommended that in view of the fiduciary relationship between the treasurer and the rate-payers the financial officers should have the right of appeal to the minister of health against any notice of dismissal and that the decision of the minister should be final.

Sanitary Inspectors.—The representatives of this group expressed the opinion that no appointment should be made unless the appointee had qualifications approved by the minister of health, as well as thoroughly practical training in the work of the public health department.

In the matter of recruitment the opinion was advanced that prospective sanitary inspectors should be persons who have a good general education, having reached the standards required for university matriculation, and, secondly, that this should be followed by a thorough-going practical training in all of the technical and administrative details of the inspector's work before the candidate is permitted to sit for a qualifying examination.

The Society of Clerks maintained that the promotion of a member of the staff of a common council was usually not feasible. This situation calls for appointment by transfer from some other district. On account of the necessity for practical experience it was suggested that no candidates from a university ought to be appointed to the office of clerk who had not had actual training in the administrative work of the office.

The representatives of this group outlined the duties of the position of clerk as involving responsibility for coördinating the various services of the council so as to avoid overlapping. Control by a single officer was necessary in the name of good standards of administration. To bring this about it was further urged that there should be allowed a reasonable discussion under the authority of the council. It was recognized that it is not proper for a clerk to criticize or interfere with the technical officer in the carrying out of the technical duties assigned to him.

With reference to the appointment of a head administrator, which has been suggested to the commission, the financial officers voiced the sentiment that "unless local government as is present known was set aside and the officer vested with authority such as would make him not only nominally but virtually a town manager, such appointment would conduce neither to economy nor increased efficiency".—*Local Government Service*, March, 1929.

✤

Salary Standardization.—In a series of items concerning recent actions that have been taken with reference to service conditions in various local government units, six of eleven items have to do with the establishment of a standardized scheme of salaries that have recently been introduced or are on the point of being introduced.

As brought out in these items as well as other reports from the local government service it is evident that a marked movement is under way toward the absorption of the war bonus into the regular salary scheme. As is well known, both in the central government and among local authorities a special war bonus has been paid to public officials which varied in accordance with a fixed scale based on the fluctuation of the cost-of-living index figure.—*Local Government Service*, March, 1929.

GOVERNMENTAL RESEARCH ASSOCIATION NOTES

EDITED BY RUSSELL FORBES

Secretary

Recent Reports of Research Agencies.—The following reports have been received at the central library of the Association since March 1, 1929:

Bureau of Municipal Research, Akron Chamber of Commerce:
Report on Akron City Transportation Lines of the N. O. P. and L. Co.
Buffalo Municipal Research Bureau, Inc.:
The Mayor's Budget.
California Taxpayers' Association, Inc.:
Special Report on the Schools of Salinas, California.
Taxpayers' Research League of Delaware:
Delaware's General Budget for the Fiscal Years Ending June 30, 1930 and 1931.
Detroit Bureau of Governmental Research, Inc.:
The Pension Systems of the City of Detroit.
The Kansas City Public Service Institute:
Survey of the Metropolitan Police Department of Kansas City, Missouri.

⁂

Boston Finance Commission.—During March the Boston Finance Commission held a public hearing, consisting of sixteen sessions, on the taking by the city of a parcel of land at State and Exchange Streets for the widening of Exchange Street. The area of the land was shown to be 11,158 square feet, and the assessed value, $1,485,000, the building having been removed by the previous owner. For the taking by eminent domain proceedings of 4,498 square feet, the city paid $1,750,000.

The Commission, in addition, made four reports to the governor and four to the legislative committees on pending legislation relating to the city of Boston, and one to the mayor of Boston on a departmental detail. The most important among these were: to fix the tax limit for the year 1929; recommending that the Long Island Hospital retain its original status as a hospital for the aged sick and poor; opposing by inference the seven-million-dollar project to fill in the South Bay, a water area lying between South Boston and the south end of the city proper.

California Taxpayers' Association.—The Santa Barbara County report has now come from the press. It contains more than two hundred pages of text, with more than two hundred tables, charts and illustrations. It took more than one year to complete the field work and the office work on this study.

A complete study of the income and disbursements of the state government of California is now ready for the press and will be printed serially in *The Tax Digest*, the official publication of the Association.

An exhaustive research on parks, playgrounds and recreational areas in southern California has just been completed. It is now in the hands of the printers.

A bill to legalize the photographic recording of public documents is now in committee. An earnest endeavor is being made to bring it to the floor of the legislature.

A study has been undertaken of the budgets of the fifty-eight counties in California. Arrangements have been made by the Association for a budget counselling service so as to enable each board of supervisors in the state to avail itself of the counsel of the Association's tax experts.

⁂

Citizens' Research Institute of Canada.—An analysis of the cost of the Dominion Government for the year ending March 31, 1928, has been prepared, and a report thereon, giving comparative figures for previous years, has been issued.

A report is being prepared showing the relation of total taxation to production in Canada.

The first section of the 1929 edition of the *Red Book* (financial statistics of Canadian governments), is in course of preparation. This publication, which is issued at as near cost as possible, contains statistics of all Canadian urban municipalities and many suburban ones with a population of over 400. This series is now looked upon by the larger bond and investment houses as the standard work of its kind. In many cases the information contained in the *Red Book* is issued before the municipal treasurers' reports are in print, but all the information is taken either from printed reports or signed statements by a responsible official or other sources. It also contains certain indicative standards by means of which the trend of financial affairs may be readily gauged. Most of the larger buyers of Canadian municipal securities, such as banks and insurance companies, as well as the investment houses, now subscribe for the service.

✤

Taxpayers' Research League of Delaware.—The present session of the Delaware legislature may go down in history as the "mileage session." This is largely the sequel of the League's investigation of the "claims" bill passed by the legislature two years ago. That appropriation bill, as disclosed by the League, attempted to pay unconstitutional salaries to the members, and mileage for every day of the session at the rate of 10 cents a mile. As a result of the League's investigation at that time, the governor vetoed the mileage items in the "claims" bill.

Early in the session, the present legislature appropriated approximately $25,000 for mileage to the members of the 1927 legislature. This was vetoed by Governor Buck and an advisory opinion was obtained by him from the judges of the state courts, that the members of the legislature were entitled only to reasonable traveling expenses actually incurred. As a result of this judicial opinion, the mileage appropriation for members of the last legislature was reduced to approximately $14,000. The final basis of payment was 10 cents a mile per day to each member of the legislature traveling in his own automobile, and 3½ cents to those traveling otherwise. The mileage controversy has occupied an entirely disproportionate part of the legislature's attention, to the serious detriment of more important and less personal questions.

The increased appropriation for public schools, requested by the state board of education at the suggestion of the Taxpayers' Research League of Delaware, has been granted by the legislature, thus assuring more adequate support for the school system during the coming biennium.

The League's recommendation for the consolidation of special funds has been considered by the legislative budget committee in conference with administrative officials, and a program has been worked out and adopted for the consolidation of a number of minor funds.

The League's recommendation that the various agencies collecting state revenue make daily (instead of monthly) deposits with the state treasurer has been voluntarily accepted by the secretary of state and the state school tax department, which between them collect more than half the state's revenue.

The League prepared several amendments to the budget law of 1921 to modernize the budget procedure of the state. These amendments were defeated through a combination of those resenting the action of the League in investigating the claims bill two years ago, and the part played by Governor Buck in compelling the reduction of the mileage allowances in the present session. At this writing, an effort is contemplated to secure the reconsideration of the amendments.

Russell Ramsey, the director of the League, has served as a member of the legislative committee of the Wilmington Chamber of Commerce during the present session of the legislature. Through this association, the League has coöperated with the chamber of commerce in the examination of a number of bills pending in the legislature.

✤

Kansas City Public Service Institute.—The time of the entire staff of the Public Service Institute was given to the police survey which the Institute conducted for the Kansas City Chamber of Commerce under the direction of August Vollmer. The survey was completed, submitted to the chamber, and approved by the chamber board. The survey was quite comprehensive, covering the crime situation, organization of the department and distribution of the force, personnel, buildings and equipment, and record system and finances. The report recommends an almost complete reorganization of the department, including methods of operation, personnel methods, new equipment, new records, and improvement of housing. Distribution of the report is in the hands of the Kansas City Chamber of Commerce.

The permanent registration bill, also promoted by the Chamber of Commerce and the Public Service Institute, is having a hard time getting started in the legislature. All parties concerned, including members of the legislature and the governor, seem to be favorable, but for unexplained reasons the committees have not yet reported the bill.

✤

Citizens' Bureau of Milwaukee.—A study of the fees and commissions paid out by the court is in progress. The problem is to determine whether it is feasible to increase the permanent staff of the county institutions and county dispensary so as to perform this work, and at the same time to develop the present activities. In 1925, $35,000 was paid in physicians' fees.

A report was released to the public, explaining the bond issue to be voted upon April 2 for the purpose of building the nucleus of a high pressure pumping system for the fire department. The request is opportunely made, since the pumping station represents an alternative to the replacement cost of a fire boat recently condemned.

The staff is following the progress of two bills, which it prepared, and which are intended to simplify consolidation and annexation procedure. The bills providing a state budget procedure and highway commission reorganization, both of which the Bureau helped to draft, have been passed by the senate.

*

The Ohio Institute.—The state director of finance of Ohio has contracted with Searle, Oakey, and Miller of New York for the installation of a new general accounting control system. Preliminary work has already been begun.

A new form of general appropriation act for the biennium 1929–30, embodying the "lump sum" and allotment principle, instead of the former detailed segregation of items, was presented by the director of finance and passed by the Ohio General Assembly.

*

San Francisco Bureau of Governmental Research.—The proposed employment classification, to be used as a basis for standardizing municipal compensation, in the preparation of which the Bureau has been coöperating with the civil service commission, has been revised and was resubmitted to the board of supervisors on March 18. Revisions were based on additional data and information presented by representatives of employees to a committee of the supervisors during a series of hearings that extended over a period of six months. If the proposed classification is adopted by the supervisors, the way will be paved for the second and final step—the determination of salary and wage rates to be fixed as "standard" for each of the job classifications.

During the period since the Bureau's last report in these columns, studies of assessment roll procedure, which were being conducted in coöperation with the assessor, have been brought to a temporary conclusion. The assessor has adopted forms and procedure under which the personal property assessment roll for 1929 will be written and totaled by office mechanical equipment. This system will be extended next year to provide for the automatic writing and mailing of personal property declaration forms and the mechanical writing and totaling of the whole assessment roll.

The Bureau, in coöperation with the purchaser of supplies, the city auditor and the chairman of the finance committee, has prepared an ordinance designed to carry into effect the provisions of a charter amendment adopted last November under which the city can pay its bills for materials, supplies and equipment with sufficient speed to take advantage of cash discounts. It is proposed that the new system, in addition, will provide for the centralized preparation of all purchase orders in the office of the purchaser of supplies and for the auditor's certification of purchase orders and the encumbrance of funds therefor before such orders may be issued.

The Bureau staff is now engaged in the final stages of a report dealing with scavenger collection service, rates and regulation. This work was undertaken at the request of the board of health and has been in progress for about fifteen months.

The Bureau staff is also bringing to a conclusion the first stages of a study and report on the city's license collection procedure, which has been carried on at the request of the tax collector and the chairman of the finance committee. The first stage will deal with possible improvements in existing procedure and the later phase of the work will involve the analysis of businesses licensed and of license rates in comparison with similar data in other cities.

Other major work projects include progress on a study of street reconstruction and repair organization, procedure, costs, etc., which has been under way for nearly a year, and coöperation with a citizens' committee in various phases of work involved in an analysis of salaries paid to San Francisco teachers.

*

Schenectady Bureau of Municipal Research.—Considerable assistance has been rendered to the capital budget commission in its work of preparing a long-term improvement program for Schenectady. The commission is entering the final stages of its work and a preliminary draft of the final report is being prepared by the managing director of the Bureau who has been acting as secretary of the commission. It is expected that the final report will be submitted to the mayor and common council before May 1.

✤

Toledo Commission of Publicity and Efficiency.—The newly formed traffic problems in an ex officio and advisory body, has stimulated increased consideration of traffic problems in Toledo. The Commission of Publicity and Efficiency has started and has partially completed several studies on the question of a parking ban in the down-town district. This study, to be published later, will include an analysis of cars parked in the down-town district as to length of time for which they are parked, point of origin, owner's occupation, number and type of parking violations, and, probably most significant of all, a survey of customers' modes of transportation. On the basis of these studies, concrete recommendations to the traffic commission for further action will be formulated.

An investigation of milk inspection in Toledo during the past year resulted in the dismissal of the chief milk inspector. It was found that high bacteria counts were regularly thrown out for two companies, and several other companies were quite regularly raised.

✤

Bureau of Civic Affairs, Toledo Chamber of Commerce.—A map showing the recommendations of the Bureau of Census Association on the boundaries of the metropolitan district of Toledo has been forwarded to the United States Bureau of the Census. The area included, outside the city limits, is approximately five times as large as the area of the city of Toledo. The factors considered in determining the metropolitan area were the number of commuters on both steam and electric railroads, regular free retail deliveries maintained by Toledo stores, power and light service, city water mains, real estate operations, residential club membership, and the area in which daily collections are made from Toledo. The metropolitan district of 220 square miles contain portions of nine townships in three counties, including two townships in Michigan. The Bureau of the Census will use the map in determining the portion of the Toledo metropolitan district.

The Chamber of Commerce has also been active in urging a constitutional amendment for Ohio, relative to county government. The proposed amendment empowers the legislature to reorganize the existing form of government; to provide for optional plans of county government which may be adopted upon the approval of the electorate of the county and various voting districts within the county; and to pass legislation giving counties power to frame a charter in a manner similar to that granted cities by the home rule amendment to the constitution.

✤

Toronto Bureau of Municipal Research.—A report on *Civic Financial Control, Story No. 4*, giving a tabulated result of all of the financial operations in which the city has an interest, has been prepared and issued.

A résumé of the report of the advisory city planning commission was prepared and issued. This outlines the main features of some special proposals, as well as the general scheme, and includes plans. A questionnaire was added, seeking the opinion of readers on the question.

The director, at the request of the taxation committee of the local board of trade, has prepared a brief in connection with the income tax problem.

AMERICAN MUNICIPAL ASSOCIATION NOTES

EDITED BY JOHN G. STUTZ

Executive Secretary

DATE OF ANNUAL MEETING

The date of the sixth annual meeting of the American Municipal Association has been set for November 14, 15, and 16, at Chicago, Illinois. The meeting place in Chicago has not been designated. The National Municipal League, the Governmental Research Association, and the Civic Secretaries will hold their convention in Chicago, November 12, 13, and 14.

MR. ZANDER SECRETARY IN WISCONSIN

We are pleased to report the appointment of A. S. Zander to the position of secretary-treasurer of the League of Wisconsin Municipalities. Mr. Zander assumed his duties on January 1, 1929. He is a graduate of the School of Engineering in the University of Wisconsin, he has had experience in several engineering positions, has taken graduate work in political science and city planning at the University of Wisconsin, and is at present assisting in faculty work in the college of engineering.

NEWS FROM THE STATE LEAGUES OF MUNICIPALITIES

Illinois.—A. D. McLarty, secretary of the Illinois Municipal League, reports that the ordinance revision service of the Illinois League is being very well received, and recommends that other state leagues establish similar services.

The sixteenth annual convention of the Illinois Municipal League will be held in Jacksonville during the middle of October, 1929. Three or four hundred delegates are expected. The municipal officials of Illinois are coming more and more to realize the value of these conventions—that they are in the nature of graduate courses in municipal affairs rather than pleasure and junketing parties.

Oklahoma.—The Oklahoma League is making a study of municipal ownership of light and power plants within the state. This material is to be published as a bulletin, June 1. A study is being made, with the coöperation of government teachers and students of the university, of the origin of the names of the cities and towns in Oklahoma and the legend or myth responsible for the names. Results of this survey will later be published in a special bulletin or as an article in the REVIEW. In addition to this, the League is making a general survey of the member cities, seeking statistical material on total costs of police protection, fire protection, health protection, garbage and refuse disposal, sanitary sewers, parks and playgrounds, salaries of city managers, clerks, councils, attorneys, mayors, health officers, assessed valuations, and bonded indebtedness. This material will also be published soon.

An ordinance revision service has been launched by the League, under the supervision of Professor W. C. Bryant, lawyer and teacher in the government department of the University of Oklahoma.

Minnesota.—Morris B. Lambie, executive secretary of the League of Minnesota Municipalities makes the following report:

"Special bulletins published include four legislative bulletins reporting the status of the bills introduced in the legislature with special attention to the legislation in which the League is especially interested. The bills supported by the League are all advancing satisfactorily but as yet no definite decisions have been made by the legislature upon them.

"Bulletins planned are: tax rate bulletin, water rate bulletin, public utility rates, proceedings of the Northwest Fire School, proceedings of the Northwest Dairy Inspectors Conference, and proceedings of the Minnesota Tax Conference.

"We are giving increased efforts to the establishment of schools and conferences for municipal officials. The first conference of dairy inspectors was held on January 23; the public utility conference sponsored by the League will be held on March 29, a Northwest Police Conference will be held in July; and the Northwest Fire School will be held in September. The annual convention of the League will be held at Austin, Minnesota, June 12, 13, and 14."

Michigan.—Harold D. Smith, director of the

Michigan Municipal League, reports that the chief concern of the League at this time is to prevent the passage of legislation inimical to the interests of the cities and villages and to assist in formulation and passage of laws which the municipalities desire.

The League's committee, appointed to revise the Home Rule Act which had become a "hodgepodge" on account of frequent amendments and additions, has introduced a bill which will probably pass as introduced.

Another item which may be of interest to those outside of the state concerns the election code. Prior to the meeting of the legislature the governor appointed a commission to revise the election code. One item, however, of particular interest, is the incorporation in this code of provisions for permanent registration. The League of Women Voters has been very active in advocating a system of permanent registration and should be given credit for initiating the movement. Professor Joseph P. Harris of the University of Wisconsin and Senator Claude H. Stevens, city attorney of Highland Park, and chairman of our Committee to Revise the Home Rule Act, drafted the bill. While some of the officials of the smaller municipalities feel that the bill lays down requirements unnecessary in the smaller places where the clerk knows who is entitled to vote, yet these objections do not seem sufficient to jeopardize the passage of the proposed act. It may, however, be made optional so that the various municipalities may adopt permanent registration by ordinance. Michigan has required re-registration of all voters every presidential year and it is felt that permanent registration will not only be more economical but more convenient to the voters.

A bulletin on the salaries of village officials is nearly ready for distribution.

Texas.—Harvey W. Draper, executive secretary of the League of Texas Municipalities, reports as follows:

"It has been the endeavor of the League of Texas Municipalities rather to keep down legislation than to have it passed. We have so far successfully withstood all attempts of proponents to pass any sort of uniform public utility regulation bill. We got the public utilities and the 'wild-eyed' proponents of rabid legislation of this character to fighting among themselves and it killed the bill for the regular session. However, a special session of the legislature will be called about the middle of April or the first part of May and we expect to have to fight the battle over again as Governor Moody has stated that he will include public utility regulation in his call. We have also defeated a measure placing ice factories under the Texas Railroad Commission. This was an effort on the part of ice manufacturers, many of whom are also public utility owners, to have the state guarantee them a reasonable return on obsolete ice plants. This movement on the part of ice manufacturers has been brought about by the rising tide of mechanical refrigerating appliances now on the market at very reasonable figures."

Colorado.—Don C. Sowers, secretary of the Colorado Municipal League, reports the following items:

"Starting with December we have been printing sections of our survey of civic conditions in cities of over 2,400 population, and these will be reprinted as a separate bulletin.

"We are endeavoring to have state highways located within the limits of incorporated cities, built by the state highway commission and to exempt municipal trucks and cars from paying the state gasoline tax.

"We print 1,300 copies of the magazine each issue and it is on a monthly basis now. Lee Johnson, our business manager, resigned in January to become editor of a daily paper in Delta, Colorado, and he has been succeeded by L. Roy Purdy. No change was made in our advertising rates and each month shows a small growth in advertising."

New York.—W. P. Capes, executive secretary of the Conference of Mayors of New York reports that his organization has organized and operated ten zone police training schools with an average weekly attendance of 2,062 policemen, and is now establishing twelve zone training schools for the firemen of the cities and villages of the state.

At the request of the Governor, a study is being made of the food distribution problem. Three model ordinances, one on traffic, one on regulating the platting of sub-divisions, and one on sidewalk vaults, have been prepared. A revision is being undertaken of the bureau reports so that in future no report will be less than two years old. A complete revision of the General Highway Traffic Law was prepared and sent to the state legislature. A municipal legislative program was prepared, most of which has passed the state legislature.

The Conference of Mayors and the State

Housing Board are jointly preparing a model building code, a model housing code, and a model zoning ordinance. The Conference is preparing the final draft of its model city sanitary code.

New Jersey.—The New Jersey State League of Municipalities has just held a most successful convention at Trenton. More than five hundred were present.

A special feature was made this year of the departmental meetings, and new groups of municipal engineers, municipal assessors, and building inspectors were started. It is hoped through the Building Inspectors' Association to prepare a model building code. The clerks, tax collectors, and attorneys continued their activities as groups. The municipal attorneys hold monthly conferences, mostly in North Jersey. The State Association of Chiefs of Police, a strong organization, met with the New Jersey League for the first time, and close coöperation is hoped for between the two organizations in future.

The New Jersey League legislative committee is meeting weekly and has passed upon a hundred or more important bills. Results are sent each week to the mayor, clerk and attorney of all the member municipalities. The League is gaining in prestige and power in the legislature, due to its scrupulous attitude and refraining from politics.

Pennsylvania.—The Pennsylvania State Association of Boroughs held its nineteenth convention at Harrisburg, February 19 and 20. About seven hundred delegates were in attendance.

The Pennsylvania State Association of Township Commissioners held its fourth annual convention at Harrisburg, January 15–16, 1929.

The Pennsylvania State Association of Planning Commissioners held their fourth annual conference at Williamsport, Pennsylvania, February 22–23, 1929.

Union of Canadian Municipalities.—Samuel Baker, secretary-treasurer of the Union of Canadian Municipalities, reports that the following bulletins have been issued since June last:

(a) Fact-Finding in Labor Disputes.
(b) Industrial Fact-Finding as a Function of Government.
(c) Report on Street Signs.
(d) A Liberal Industrial Policy.
(e) Modern Fire-Fighting Equipment.
(f) A report on terms of office of municipal officers in Ontario.
(g) Saving Time and Money for the City in Condemnation Procedure.
(h) The Preservation of Peace.

Kansas.—The session of the legislature which just closed was one of the most interesting in the history of the state. The League was successful in securing the passage of several bills which it sponsored. Among these was a bill giving to the cities $250 per mile for streets constituting connecting links in the county highway system. This law is a companion law to the law which gives cities $250 a mile for streets constituting connecting links in the state highway system. A law was passed which permits cities of the second and third class to annex territory. A supreme court decision handed down in 1926 declared the then existing law unconstitutional. The League sponsored a bill in 1927 but it was vetoed by the governor, who misunderstood some of its provisions. The lack of authority to enlarge their territory has worked a hardship on several of the growing cities of the state. A public utility law of considerable importance was passed. It places the venue of appeals from the decisions of the public service commission in the local district courts rather than in the court of the county in which the state capital is located. Cities of the second and third class have until October to fund their outstanding warrants and other floating indebtedness. This will assist many of the smaller cities very much. A bill permitting cities to establish airports within or without the city limits and to levy taxes for maintenance and to issue bonds for the payment of the land and equipment was passed.

It is interesting to note that a resolution to amend the constitution to give cities power to adopt home rule charters, which was prepared by the legislative committee of the League in 1915, was introduced at this session of the legislature. The bill was introduced during the latter part of the session and was voted down in the house in which introduced because the members did not have time to fully digest its provisions. The resolution was amended and simplified and reintroduced. It passed the house with an almost unanimous vote, but was not reported out by the judiciary committee of the senate. The sentiment for home rule is very strong at this time.

The auditing department has completed its ninth audit since the first of the year, and has some six jobs contracted for. The legal department is completing revisions for the cities of Great Bend and Oxford.

NOTES AND EVENTS

Detroit Rejects Subways.—On April 1 Detroit voters overwhelmingly defeated the first subway construction proposal ever submitted to them, by a vote of 90,439 to 35,416. The proposal was in the form of a $54,600,000 bond issue to pay for the construction of 15.06 miles of subway.

The favorable vote represented only a fraction over 28 per cent of the total. Sixty per cent was required to win.

For several years, the rapid transit commission of Detroit has been working on plans for the improvement in transportation facilities. In August, 1926, it presented a plan involving two-track train subways and a modern overhead system totalling 46.6 miles, to cost $279,600,000. In February, 1927, an alternate plan was presented, calling for 27.1 miles of subway, to cost $135,000,000. For several reasons, among which were the economic conditions prevailing in 1927, the large cost and the method of financing involved, neither proposal was submitted to the voters by the city council. Accordingly, in January, 1929, the rapid transit commission and the street railway commission jointly proposed a further alternate involving the construction of 13.3 miles of train-operated subway and 2.03 miles of subway for street car use, to cost $54,600,000. This latter was the defeated plan.

Reasons for the defeat apparently included dissatisfaction with the financing plan, the feeling that special assessments would be inadequate to pay 51 per cent of the total cost as proposed by the rapid transit commission, so that an additional general property tax would be required to pay the cost; the belief that the system of "dips" favored downtown merchants at the expense of outlying neighborhood stores; and that other less expensive means of transit had not been given proper consideration.

Howard P. Jones.

◆

Important Crime Bills Pass in New York—Others Fail.—At the close of the 1929 legislative session in New York State, only one half of the bills presented by the New York State (Baumes) Commission had been passed. The more important of those enacted were the following:

1. A simplified form of indictment which will make lengthy recitals unnecessary.
2. Psychiatric clinics established in general sessions courts of New York City.
3. Suspension of the statute of limitations in criminal cases as soon as prosecution is initiated.
4. Constitutional amendment which will permit the establishment of district courts to exercise the petty criminal jurisdiction now vested in justices of the peace.

Among the more important bills which were caught in the legislative jam during the closing days of the session, and which therefore failed of passage, were the following:

1. Constitutional amendment permitting accused to waive jury trial in felony cases (except first degree murder).
2. Constitutional amendment which would permit accused to waive formal indictment.
3. Placing municipal police schools under state supervision and requiring training of all police officers.
4. Permitting district attorney to comment on failure of accused to testify in own behalf.

The Crime Commission has been continued to March 1, 1930, with an appropriation of $50,000.

Bruce Smith.

◆

Philadelphia Grand Jury Reports on Crime and Corruption.—Philadelphia's special grand jury, recently discharged after seven months of painstaking investigation, reports a definite and precise relationship between traffic in liquor, gang murders, and police corruption in the Quaker City.

Industrial alcohol plants are legally organized and operated. Illicit diversion is quite common, but large quantities of denatured alcohol are sold as permitted by law, to perfumeries and other establishments, technically called "cover-up" houses. From these "cover-up" houses the bootleg liquor is distributed through the regular marketing agencies so familiar to the Philadelphia public.

The final price which a Philadelphian pays for his rum or whiskey must be large enough to cover the following items:

1. Cost of manufacturing.
2. Bribes for railway officials.

3. Cost of transportation under heavy guard.
4. Gangsters' salaries and occasional funerals.
5. War materials (machine guns, bullet-proof vests, etc.).
6. Patrolmen's bribes and officers' retainers.
7. Enterprisers' profits.

The grand jury report shows that all of the advantages of large-scale production and division of labor apply in the bootlegging trade, in the transportation and marketing end of the business as well as in the manufacturing. A Mr. Goldberg maintained an arsenal on Market Street near City Hall, making a perfectly legal specialty of selling machine guns and bullet-proof vests. Accounting firms were hired to do sums with policemen, and at least three large investment corporations were especially organized to make necessary loans and to provide an innocent outlet for the immense profits of the business.

But in these days competition is not the life but the death of trade. Warfare broke out between the gangs of thugs engaged to protect the lives and property of rival "enterprisers," and Philadelphia ran Chicago a close second in machine gun murders.

While it was possible to describe the workings of the Philadelphia underworld, to close dozens of speakeasies, and to expose scores of ordinary cops, the "higher-ups" could not be indicted by the grand jury. According to District Attorney Monaghan, "they were missed only because police and other persons involved refused to give us the information which they possessed and which we sought to enable us to indict and prosecute." Max (Boo hoo) Hoff, for example, known in Philadelphia as the King of Bootleggers, is described in the grand jury presentment as "unquestionably one of the leaders of the liquor organization in this city. He has so protected himself that his individual name seldom figures in their transactions. He operated through trusted agents and dummies."

The grand jury insists that when Philadelphians patronize bootleggers and willingly furnish a market for their product, they are thereby encouraging gang warfare and police corruption. It further recommends that the police department be entirely freed from all political control. Aside from the Committee of Seventy and its following, this exposé has not disturbed Philadelphians in their content, nor has it alarmed City Hall in its corruption. Even while the grand jury was being commended and discharged in Philadelphia, the CM-PR bill was being quietly interred in committee in Harrisburg.

Maynard C. Krueger.
University of Pennsylvania.

✱

Notes from Los Angeles.—*District Attorney.*—Complaints about the situation in the office of Asa Keyes, district attorney of Los Angeles County, were given an airing by the grand jury which went out of office within a few weeks. Ever since Amie Semple McPherson, woman evangelist who was first reported drowned, then kidnapped, was being prosecuted for conspiracy, there has been more or less question about the conduct of the district attorney's office. Her case was dismissed and eyebrows were raised. Then came the famous Julian cases which created a tremendous commotion. In spite of what seemed to be great enthusiasm in the prosecuting offices of city and county, something happened and, so far as the public was concerned, there was bred more suspicion that everything was not as it should be. Several other cases fanned the suspicion.

The recent grand jury, after hearing from a tailor who kept a diary, indicted the chief prosecutor for bribery. Mr. Keyes' term was almost closed, and his successor had already been elected. This successor was Buron Fitts, lieutenant governor, who had begun his public career in Asa Keyes' office. A veteran of the World War, in public life because of veteran support, the new district attorney found himself confronted with a battle with his former chief—a man who had been in the prosecutor's office for a generation.

The case of Asa Keyes has received widespread attention. He is under sentence at this moment to a term in the state penitentiary of from one to fourteen years for soliciting and accepting bribes in the conduct of his office. The popular demand in Los Angeles is that Prosecutor Fitts continue to clean house.

Judge Carlos Hardy.—Meantime as another aftermath of the McPherson case, Judge Carlos Hardy of the Superior Bench is now experiencing impeachment proceedings before the state senate. It is asserted that while on the bench he received from the Angelus Temple authorities a fee of $2,500 for legal advice. Testimony from Mrs. McPherson called the check a love offering.

Department of Water and Power.—Recent resolutions passed by the water and power authorities of the city have had the effect of consolidating the bureau of water works and the bureau of power and light into one unified organization under one general manager. Former Chief Engineer Van Norman, successor to William Mulholland, builder of the aqueduct, becomes the general manager of the department. E. F. Scattergood, former chief engineer and manager of the power bureau, becomes the chief electrical engineer of the unified department. The board of water and power commissioners is quoted as believing that this unification and consolidation of the two semi-independent bureaus will make for a higher degree of general efficiency.

Metropolitan Water District.—With the passing of the Boulder Dam Bill by the last Congress, the metropolitan water district created by the former legislature finds a big undertaking ahead of it. Eleven cities are formed together as a water district which expects to build a new aqueduct to the Colorado River. Recent news that Utah had finally signed the so-called Six-State Colorado River Compact served to hasten the permanent organization of the district. In this connection it should be noted that Arizona has served notice that it will fight the Boulder Dam Bill in the courts. C. A. Dykstra.

◆

"They Ain't No New Tammany."—Tammany Hall is making history. Ten years ago Mayor Hylan, though not a member of that organization, seemed safely entrenched in its affection. The district leaders were all comfortably established in lucrative city jobs and when anyone suggested ousting Hylan, their answer came back, "What do yer want to change fer? Ain't we all right the way we are?"

But Al Smith didn't think so. He was nursing a tiny presidential bee in his brown derby, and he knew that with Hylan still in office his local organization would have a lot to answer for. The result, to make a long story short, was "Jimmy" Walker, New York's well-traveled and well-beloved son. Despite the great difference in personality and appeal of the two mayors, as mayors they have much in common. The one through lack of capacity, the other through lack of application and an unwillingness to lose any of his many friends, seem quite incapable of bringing any of the city's pressing problems to solution. Moreover, the same group of district leaders have been continued in office and again, they ask, perhaps more insolently, "Wadde yer wanna change fer?" The cleavage between Smith, leading his New Tammany forces, and the old-timers in the organization has been embittered by accusation current since November that they "ran out on him." Al Smith lost New York state in his own city, indeed right in Tammany's own stronghold where his vote fell far below expectations.

Olvany, amiable and competent lawyer, had been the moderator. He tired of taking abuse from both sides. He has made plenty of money in the last few years. His law firm has done a land-office business. Clients flocked to it without soliciting. Many of the leaders were jealous of this. He is really, despite his ruddy appearance, in none too good health. We may never know exactly what took place in Albany the night of the reporters' dinner, when he and Smith and Walker and others did some plain speaking to one another in the privacy of his rooms, but he came back to New York the next day and surprised even his most intimate political and legal associates by resigning.

The district leaders saw an opportunity to seize control. They have the choosing of the city leader who, once chosen, is likely, if he has it in him, to become boss. There are thirty-three of these leaders, each with a female understudy, though the latter has little part except in the formal party councils. Thirty-three candidates speedily dwindled to six, and of these two emerged, Curry of the west side (Hell's Kitchen), and McCue of the east side, former saloon-keeper and welter-weight champion, leader of Charley Murphy's old gas house district. The first election ended in hopeless deadlock. After several weeks of conferences, Curry won by 12⅙ votes to 10⅓ for another candidate in whose favor McCue withdrew. The election of Curry, an ancient opponent of Olvany and Smith, appears to many to mark the eclipse, perhaps the political extinguishment, of Al Smith and his New Tammany. Mayor Walker played an active, possibly a determining part in the result and the victor promptly promised his renomination. The five-cent fare decision, coming while the leadership hung fire, strengthened Walker's hand and made his reëlection little short of certain. The Republicans might as well move that the secretary of Tammany Hall be instructed to cast one ballot for "Our Jimmy." Joseph McGoldrick.

◆

City Manager Forces Victorious in Indiana Legislature.—Indianapolis adopted the city manager plan by referendum in June, 1927. Much of the opposition in that campaign centered about provisions of the statute giving cities the option to operate under the manager plan. Immediately after the successful referendum, the Indianapolis City Manager League appointed a committee to study the statute and draft such amendments as would remove all question, and at the same time make the law more complete, bring it up to date, and free it of some ambiguities.

To strengthen further their position in the legislature, the Indianapolis City Manager League induced outstanding citizens of both parties to become candidates for the legislature in Marion County, and carried on an active campaign in the May primary for these tickets. The result was that the entire delegation in the senate, excepting one hold-over senator, and seven of the eleven members of the house from Marion County were favorable to the manager plan.

The bill prepared by the committee was introduced simultaneously in the house and the senate. The speaker of the house was favorable and appointed a committee on the affairs of Indianapolis from the friends of the city manager plan. The opposite was true in the senate, where the committee was composed almost wholly of the enemies of the plan. But after long delay in the senate committee, the bill became law.

Proportional representation was included in the original bill, but it was stricken out early by friends of the plan, for fear it would be held unconstitutional. The principal changes made in the old law relate to the grant of power to the commission; the preservation of the park board and the sanitary board as separate taxing units; and the appointment of election commissioners. Under the amended law the city manager appoints the park board and the sanitary commission. The election commissioners are three in number, one to be appointed by the judge of the circuit court, one by the city commission, the city clerk to be the third. This will tend to take the city elections out of the hands of the political organizations.

The results show the wisdom of the steps taken by the Indianapolis City Manager League in bringing out the proper kind of candidates for the legislature, and in fathering certain amendments to the statute. Had these things not been done, the law would either have been wholly repealed, or amended so as to be unworkable.

J. W. Esterline.

Legislature Defeats City Planning Bill for New York City.—Mayor Walker was a very promising candidate. In particular he promised much in the way of charter reform. To date he has little to show except a report of his committee of 500 citizens already discussed in these columns. His term, apart from a praiseworthy consolidation of the city hospitals under one department, bids fair to end without substantial accomplishment in this field.

Mayor Walker has always delighted in the phrase "city planning." In his after-dinner speeches to the city's numerous civic groups it has afforded him many a flight of poetic fancy that might easily be mistaken for vision. References to it have never failed to evoke commendatory editorials. And Walker is nothing if not well-meaning. To prove he meant business, no less an authority than E. M. Bassett was called in to draw a bill for a planning board. With some minor changes dictated by the exigencies of local politics the stamp of the administration's approval was put upon Mr. Bassett's efforts. The bill was given to a Brooklyn assemblyman, young but thoroughly seasoned in legislative routine. The Republicans in the legislature this year put the public interest completely out of sight and resolved to do nothing that might help their Democratic opponents. Not until they were convinced that the Democrats did not want this bill did they show any disposition to pass it. This was on the closing day of the session. The putative father of the bill, anticipating this strategy, saw fit to be absent.

When the Republican floor leader asked whether the Democrats were ready to move its passage, the colleagues of the introducer protested that legislative courtesy was against action without the bill's sponsor. And so the bill died, for the sponsor could not be found until he appeared in dinner clothes after adjournment for the jollification that follows that happy event. He explained that he had been in a 'phone booth all day trying to get Mayor Walker. It may be sufficient to add that the borough presidents were opposed to the bill and that the Brooklyn borough president is the brother-in-law of the Brooklyn boss, McCooey.

The bill created a board of three members and the chief or consultive engineer of the board of estimate *ex officio* to advise that body on all planning matters, hold all hearings, related to planning, formerly held by the board itself, and prepare a city plan. The recommendations of the planning board could be rejected only by a two-thirds vote.

A second product of the mayor's devotion to city planning was a proposal to set a sanitary board of three members to have charge of all problems of sewage disposal and the collection and disposition of other refuse. The chairman of the board was to be head of its administrative staff, but the board itself was to designate the heads of the two major divisions into which its work was to be divided. The board also was to be charged with the unpopular task of choosing sites for disposal plants and incinerators. Some such handling of these kindred problems is badly needed. At present this work is decentralized. The sewers are under the jurisdiction of the five borough presidents, and, though there is a city department of street cleaning, the boroughs of Queens and Richmond handle their own ash and garbage removal. The engineering and public health arguments for a concentrated and invigorated treatment of these problems was reinforced by scandals in both sewers and street cleaning and public opinion seemed ripe for a change.

Again politics interfered. The borough president of Queens had expressed his willingness, nay eagerness, to be relieved of these menial duties, but when his political superiors reminded him that 2,000 jobs were involved, he thought he was entitled to change his mind. And so his party brethren smothered the bill in committee.

The Democrats also had a political axe to grind with the bill. General Berry, the city comptroller, having moved from Brooklyn to the less populous borough of Richmond, is politically ineligible for a place on the general city ticket this fall. But there would be a great demand for his retention, from civic and business groups, if he were to be cast into exterior darkness. There was a more or less tacit understanding that he would be put at the head of this sanitary body, a post for which he is eminently suited.

The failure of this bill, more than that of its companion, puts the mayor in a hole. He has, therefore, promptly introduced it in the city's municipal assembly to be passed under the city's home rule power. As a matter of fact, both of these bills should properly have been treated at home, but, because they curtail the powers of elective officials (principally the borough president's), they would require a referendum at the November election. It seemed easier, therefore, to seek an emergency message from the governor and endeavor to put them through the legislature by a two-thirds vote. General Berry will therefore be in doubt as to his fate until the outcome of the referendum is known. Meanwhile another will have been chosen for his present place. The suggestion offered above, that the mayor is none too passionately devoted to his planning board bill, is perhaps borne out by his failure thus far to introduce this measure in the municipal assembly.

JOSEPH MCGOLDRICK.

✣

Philadelphia Charter Bill Defeated.—The bill before the Pennsylvania legislature to allow Philadelphia to adopt the city manager plan with proportional representation by popular vote, which was described in the March issue of the NATIONAL MUNICIPAL REVIEW as having a chance of passing, was finally smothered in characteristic machine fashion in the senate committee on municipal affairs.

Shortly after Senator Salus, a leader of the "100% Vare" forces, had introduced the measure, and after Albert M. Greenfield, aspirant for the throne of the Philadelphia Republican organization, had given various indications that he would not oppose it, there came a sudden change in the political weather. Recorder of Deeds Hazlett, chairman of the Republican City Committee, announced that harmony had been restored and that Mayor Mackey's administration had the full support of the Republican Party. This was at first interpreted as a surrender to the "new power," but it soon developed that, at least temporarily, the exact opposite was true. The Vare forces were still in control and no longer feared Mr. Greenfield. They accordingly lost interest in the city manager bill, or rather, developed an adverse interest, and Senator Salus was left to play a lone hand in its support.

A crowded hearing was held at Harrisburg on March 19 at which the bill was defended by Thomas Raeburn White, prominent attorney and chairman of the Philadelphia City Charter Committee organized to support the proposal, and by Walter J. Millard, field secretary of the National Municipal League and of the Proportional Representation League. Short speeches in favor were also given by manufacturers, business men, and leaders of a number of influential women's organizations. The endorsements of the Philadelphia Committee of Seventy, the Philadelphia Central Labor Union, the city and state Leagues of Women Voters, the Philadelphia branches of the Republican Women of Pennsylvania and the Pennsylvania Council of Republican Women, the Democratic Women's Committee of Philadelphia, the W. C. T. U., and several other important organizations were on record. No one appeared to speak in opposition. Subsequently strong editorials appeared in the Philadelphia *Evening Bulletin*, the Philadelphia *Public Ledger*, the Philadelphia *Inquirer*, and the Philadelphia *Record*, all urging the passage of the bill on the principle of home rule, since the bill merely gave the people of Philadelphia the right to settle the question for themselves.

In spite of all this evidence of popular support, it took the Senate Committee on Municipal Affairs only about five minutes at the close of a night session in the early morning hours of March 26 to decide that consideration of the bill should be "indefinitely postponed"—that is, that it should not be reported out for a record vote. The decision was taken in executive session behind closed doors, with the understanding that strict secrecy should be maintained, but from what the members were willing to say as to their own positions, a picture of the meeting has been constructed which is doubtless fairly accurate. The Philadelphia delegation was almost evenly divided. With seven of the eight senators from the city present (the absent senator also was a member of the committee and had been in the senate chamber a few minutes before the meeting was called), four opposed the bill, two—Senator Salus and Senator Woodward, independent member from Germantown—supported it openly, and a third—Senator McCrossin, the Democrat who defeated Mrs. Flora Vare in the Smith wave last fall—took no part in the discussion but was prepared to vote favorably on the principle of home rule. Chairman Aron of Philadelphia led the attack. Most of the upstate senators joined the Vare organization majority against the bill.

The City Charter Committee met later in the week and decided to continue its educational work and the building up of its membership by wards and divisions with the idea of making the bill an issue in the legislative elections of 1930. Meanwhile many of the leading members of the Committee will do what they can, in coöperation with other independents, to wrest political control from the Vare organization. Mr. Vare's illness and Mr. Monaghan's disclosures of official corruption have produced a situation in which their endeavors may well bear fruit. If the manager bill is passed by the next legislature, no time will have been lost, for it can still go into effect in the next election of Philadelphia councilmen in 1931.

It is clear that proportional representation killed the bill so far as this session of the legislature was concerned; also that without it no substantial improvement in Philadelphia's government can be expected. The citizens' organization behind the manager plan stood as a unit against suggestions that P. R. be eliminated, although they knew full well that with this one concession the bill could pass.

The three bills to make P. R. and the manager plan optional for second and third-class cities and for all boroughs met a similar sad fate.

George H. Hallett, Jr.

*

The Budget Fight in New York State.—A fight between Governor Roosevelt and the legislative leaders developed during the recent session of the New York legislature over the provisions of the so-called executive budget amendment, adopted by the people of the state in November, 1927. The immediate cause of this political animosity was the budget which Governor Roosevelt presented to the legislature on January 28 of this year. It was the first prepared under the amendment, a fact that made it of more than passing interest; besides, it represented the initial product of the long struggle which had been carried on in New York State by Colonel Henry L. Stimson, former Governor Smith and others in behalf of the adoption of the budget amendment.

So far as its form was concerned, Governor Roosevelt's budget was not unlike the one Governor Smith had prepared under purely statutory provisions and presented to the legislature the year before. In fact it followed exactly the same general lines. It contained a budget message by the governor, a few summary tables, a brief recapitulation of the estimates of each spending agency, and drafts of proposed appropriation bills. When it reached the legislature, the leaders contended, and with justification, that Governor Roosevelt's budget was not "clearly itemized," as required by the constitutional amendment. Indeed, the only itemization was to be found in the appropriation bills, and this did not carry comparative figures for the two preceding fiscal years. The governor did not publish the expenditure information in detail as presented to him on the departmental estimates.

When Governor Roosevelt's budget was submitted to the legislature, it was referred to the standing finance committees of the two houses—the senate finance committee and the assembly ways and means committee. This precipitated the first skirmish between the governor and the legislative leaders. Since the budget amendment provides that the governor and the departmental heads may appear before the legislature and be heard with respect to the budget, it was contended by the governor's supporters in the legislature that the sending of the budget to the finance committees did not satisfy the constitutional requirement. Although the legislature passed a law to this effect, supplementing the budget amendment, Governor Roosevelt in approving the law said that it was not objectionable to him since it did not interfere with the right to appear before the houses in session but merely conferred an additional right to appear before the committees. He indicated that he expected the legislature to pass another law carrying out the constitutional mandate, but this was never done. During the legislative session, Governor Roosevelt did not appear before either the houses or the finance committees in behalf of his budget; the budgetary matters which he took up with the legislature were discussed through special messages. Nor did the legislature request him or his departmental heads to come before it and explain the budget. The legislative practice in this respect, so far as the present year is concerned, remains the same as before, regardless of what the framers of the budget amendment may have had in mind.

But the part of the legislative procedure which stirred up the greatest furor was the action of the finance committees on the governor's appropriation bills. The stand taken by these committees had the support of the Republican majority in the legislature which consistently opposed Governor Roosevelt in all his fiscal proposals. The committees modified the executive bills until they were quite similar to the appropriation acts of the preceding year. Where Governor Roosevelt had asked for lump sum appropriations in the case of certain departments and institutions with the proviso that these amounts were to be expended in accordance with detailed schedules approved by him, the finance committees added that these schedules must also be approved by their two chairmen. It was mainly on this account that Governor Roosevelt vetoed items in the general appropriation bill, aggregating more than $54,000,000, or approximately a fifth of the total state budget. This action on the part of the governor left some of the departments, notably the law and the labor departments, and several of the state institutions without appropriations for the next fiscal year. The governor then submitted to the legislature two supplementary bills, one presenting the items which he had vetoed in the general bill in lump sum amounts and the other setting forth the same items in detailed form. The legislature, he stated, might take its choice of these bills. But again the finance committees drafted a supplementary bill to their own liking, which was duly voted by the legislature. This bill, though following in the main the governor's detailed bill, contained the same feature which had led to the veto in the case of the general bill. This time the legislative leaders had fortified their stand by an opinion of the attorney general to the effect that there was nothing in the budget amendment which would prevent the legislature from designating the chairmen of the finance committees to share with the governor the power of distributing lump sum appropriations. At this writing (April 10), the supplementary appropriation bill, which is among the thirty-day bills on the governor's desk, has not yet been acted on by the executive. It is intimated that, in the event the governor should veto any part of this bill, the fight may be carried to the courts for a ruling on whether the recent legislative action is within the letter and spirit of the budget amendment.

Both the governor and the legislature appear to have failed this year to carry out in certain respects the provisions of the budget amendment. The governor's budget document, as presented to the legislature, was not prepared in the detailed form contemplated by the amendment. The legislature, in acting on the governor's appropriation bills, did not amend them in such a way as to show clearly just what changes had been made in the executive recommendations. It reduced or eliminated items without indicating that such action had been taken; it added to items without stating such additions separately and distinctly from the original items, thus defeating the governor's veto power with respect to increases. Other things might be cited, but space does not permit. All in all, the experience of this year indicates that the budget amendment has largely failed to work any change in the fiscal practices of the state. Unless the legislature and the governor are willing to put their best efforts into carrying out the budgetary provisions, forgetting their political differences, the amendment is likely to become a dead letter.

A. E. Buck.

*

Cincinnati Firemen Become Policemen.—City Manager Sherrill of Cincinnati has given instructions that all members of the fire department are to be sworn in as police officers with full police powers. Hereafter firemen will be responsible for assisting the police department in the enforcement of traffic regulations and other police ordinances when such work does not interfere with their present duties of fire fighting. The members of the fire department will have the same authority to make citations and prosecute cases as that possessed by police officers.

Instructions have also been issued by the city manager to fire and ladder companies, on the sounding of a general police alarm in the fire houses, to occupy sixty-five important street intersections in such a manner as to block passage by motor vehicles and thus aid in preventing the escape of criminals who have committed major crimes. Under this plan practically all exits from the city which can be employed by fleeing criminals will be closed. The manager believes that the new scheme will be of great value in reducing serious crime in the city.

*

Two Victories for Manager Plan.—On March 18, Saranac Lake, New York, adopted the village manager form of government by a vote of 2 to 1.

On March 12, Charlotte, North Carolina, did likewise, by a majority of 1,939 votes. The following is a quotation from a letter sent us by Earl F. O'Dea of the Charlotte Industrial Bureau:

> Permit me, once more, to thank you (The National Municipal League) for the very excellent service that you have extended to us. I can certainly say, from experience, that an association such as yours is of invaluable assistance to those who are interested in improving their municipal government.

*

Missouri League of Women Voters Holds Third Institute of Government.—On March 21 and 22 the League of Women Voters of Missouri held its annual Institute of Government and Politics, the topic this year being "Simplification of Our State Administration." Addresses were made by Dean Isidor Loab, Dr. Lent D. Upson, Walter Matscheck, Carter W. Atkins, Prof. Lloyd M. Short, Miss Adele Clarke and others.

*

Conference on Municipal Issues.—On April 9 and 10 the New York League of Women Voters held its second annual Conference on Public Affairs for the discussion of municipal issues. Speakers prominent on the program included Dr. John Bauer, Lawson Purdy, Henry Bruère, Thomas Adams and Louis Brownlow. Richard S. Childs, Mayor Seasongood of Cincinnati and Mayor Walker of New York spoke at the banquet session on "This Business of Being Mayor." Messrs. Childs and Seasongood favored the manager plan. Mayor Walker was not so enthusiastic about it.

STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIRCULATION, ETC.,

Required by the Act of Congress of August 24, 1912,

Of NATIONAL MUNICIPAL REVIEW, published monthly at Concord, New Hampshire, for April 1, 1929.

STATE OF NEW YORK, COUNTY OF NEW YORK, SS.

Before me, a notary public, in and for the State and county aforesaid, personally appeared H. W. Dodds, who, having been duly sworn according to law, deposes and says that he is the editor of the NATIONAL MUNICIPAL REVIEW and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, embodied in section 411, Postal Laws and Regulations, printed on the reverse of this form, to wit:

1. That the names and addresses of the publisher, editor, managing editor, and business managers are:
    Publisher, National Municipal League, 261 Broadway, New York, N. Y.
    Editor, H. W. Dodds, 261 Broadway, New York, N. Y.
    Managing Editor, None.
    Business Managers, None.

2. That the owner is: The National Municipal Review published by the National Municipal League, a voluntary association, incorporated in 1923. The officers of the National Municipal League are: Richard S. Childs, President; Carl H. Pforzheimer, Treasurer; Russell Forbes, Secretary.

3. That the known bondholders, mortgagees, and other security holders owning or holding 1 per cent or more of total amount of bonds, mortgages, or other securities are: None.

4. That the two paragraphs next above, giving the names of the owners, stockholders, and security holders, if any, contain not only the list of stockholders and security holders as they appear upon the books of the company but also, in cases where the stockholder or security holder appears upon the books of the company as trustee or in any other fiduciary relation, the name of the person or corporation for whom such trustee is acting, is given; also that the said two paragraphs contain statements embracing affiant's full knowledge and belief as to the circumstances and conditions under which stockholders and security holders who do not appear upon the books of the company as trustees, hold stock and securities in a capacity other than that of a bona fide owner; and this affiant has no reason to believe that any other person, association, or corporation has any interest direct or indirect in the said stock, bonds, or other securities than as so stated by him.

H. W. DODDS,
Editor.

Sworn to and subscribed before me this 25th day of March, 1929.

MAY F. DONOVAN,
Notary Public.
(My commission expires March 30, 1930.)

SEAL]

WORTH-WHILE BOOKS
ON
GOVERNMENT

Practice of Municipal Administration

***By* L. D. UPSON** **Price $4.00**

This book shows how municipal activities can be conducted on a high plane at a cost that taxpayers will tolerate. "To the student of the processes of municipal government and the professional municipal administrator, the book is a necessity." Some chapter headings are: Administration, Administrative Organization, Election, Safety, Education, Police, Courts, Engineering, Wastes, Control of Utilities.

Municipal Finance

***By* A. E. BUCK** **Price $4.00**

"This is the most comprehensive study of municipal finance yet published." . . . It is a study of best current practice based on surveys and first-hand investigations. Some chapter headings are: The Budget and Budget Making, Cost Accounting, Graphic Statistics in Municipal Finance, Purchasing, Assessment of Property for Taxation, Special Assessments, Debt Administration, Financing Municipally Owned Utilities.

The City Manager

***By* LEONARD D. WHITE** **Price $3.00**

A book for city managers, city councilmen, city department heads, men studying to be city managers, reference reading in university classes, and committees and clubs studying the merits of the city manager plan. Through an intensive study of the personality and method of the city managers of Cleveland, Cincinnati, Pasadena, Dayton, and Berkeley, and through his broad knowledge of the general subject of public administration, Mr. White is able to come to some conclusion about the type of administrative official necessary to the successful maintenance of this sort of government.

Proportional Representation

***By* C. G. HOAG and G. H. HALLETT** **Price $5.00**

This book shows proportional representation as a practical instrument of democracy while it also carefully evaluates other methods of voting in relation to the purposes in view. Some chapter headings are: Voting and Its Objects, Minority and Proportional Systems, Objections to Proportional Representation, P. R. with Single Transferable Vote at Work, Election Provisions for P. R., Constitutionality of P. R., Majority Preferential Voting.

Elements of Political Science Research

***By* AUSTIN F. MACDONALD** **Price $ .90**

This new practical handbook describes the chief sources of material in the field of political science. It explains the methods essential for conducting creative work. The author is Assistant Professor of Political Science, University of Pennsylvania, and this concise working manual is based upon the methods used by the students at that Institution for a number of years.

The Invisible Government

***By* WILLIAM BENNETT MUNRO** **Price $1.75**

Professor Munro points out that all governments, wheresoever they operate, are largely controlled by forces which operate beneath the surface, unseen by the eyes of men, and he gives a keen analysis of some of these invisible influences. He writes of — I. Fundamentalism in Politics, II. The Myth of Popular Sovereignty, III. The Law of the Pendulum, IV. Government by Propaganda, V. The Money Power, and VI. Our Strengthening Sectionalism.

These books may be obtained by mailing cash with order to:

NATIONAL MUNICIPAL LEAGUE
261 BROADWAY, NEW YORK

NATIONAL MUNICIPAL REVIEW

PUBLISHED MONTHLY BY THE

National Municipal League

VOL. XVIII, NO. 6 JUNE, 1929 TOTAL NO. 156

CONTENTS

EDITORIAL COMMENT .... *H. W. Dodds* 357
BARBER SHOP OPINION AND RAPID TRANSIT IN DETROIT .... *Howard P. Jones* .. 359
POLITICS IN NEW YORK CITY SCHOOLS .... *H. W. Marsh* 363
SCAPA HELPS SCRAP BILLBOARDS .... *Harold A. Caparn* 366
HOW TO ELIMINATE TRAFFIC FROM DOWNTOWN SECTIONS .... *V. R. Stirling and Rensselaer H. Toll* 369
CHICAGO'S SUPERHIGHWAY PLAN .... *Eugene S. Taylor* .. 371
OUR AMERICAN MAYORS
XVII. CHARLES S. ASHLEY OF NEW BEDFORD ... *B. Frank Michelsen* 377
CHARLESTON PORT DEVELOPMENT UNDER PUBLIC OWNERSHIP .... *J. Russell Wait* 381
TAXATION IN THE PROPOSED METROPOLITAN GOVERNMENT OF PITTSBURGH .... *Thomas H. Reed* ... 385
THE BONDED DEBT OF 241 CITIES AS AT JANUARY 1, 1929 .... *C. E. Rightor* 391

DEPARTMENTS

I. Recent Books Reviewed 405
II. Judicial Decisions .... *Edited by C. W. Tooke* 409
III. Public Utilities .... *Edited by John Bauer* 413
IV. Municipal Activities Abroad .... *Edited by W. E. Mosher* 417
V. Governmental Research Association Notes .... *Edited by Russell Forbes* 420
VI. Notes and Events .... *Edited by H. W. Dodds* 425

The contents of the NATIONAL MUNICIPAL REVIEW are indexed in the *International Index to Periodicals*.

GRIFFENHAGEN & ASSOCIATES, LTD
BUREAU OF PUBLIC SERVICE

Consultants and active assistants on the administrative and financial problems of public bodies in programs of review, audit, and constructive improvement; seventeen years of experience in the service of officials, legislators, and citizen organizations

HEADQUARTERS OFFICES 155 EAST SUPERIOR STREET, CHICAGO
EASTERN OFFICES MILLS BUILDING, WASHINGTON, D. C.

THE LEAGUE'S BUSINESS

New Committees Appointed.—The National Municipal League has organized two additional committees, and others are in process of formation.

A committee on *model election system* has been formed, with Professor Charles E. Merriam, of the University of Chicago, as chairman, and Professor Joseph P. Harris, of the University of Wisconsin, as secretary. This committee will prepare a model election system which will be a companion volume to our *model registration system*. The roster of the committee as appointed is as follows:

Charles E. Merriam, University of Chicago, *chairman*
Joseph P. Harris, University of Wisconsin, *secretary*
Albert S. Bard, Honest Ballot Association, New York City
Ralph S. Boots, University of Pittsburgh
William M. Chadbourne, New York City
H. W. Dodds, editor, NATIONAL MUNICIPAL REVIEW
Mayo Fesler, Cleveland Citizens' League
Katherine Frederic, National League of Women Voters, Washington, D. C.
George B. Galloway, Philadelphia Bureau of Municipal Research
Harold F. Gosnell, University of Chicago
George H. Hallett, Jr., Proportional Representation League, Philadelphia
Walter Matscheck, Kansas City Public Service Institute
H. A. Nichols, Election Commissioner, Rochester, N. Y.
W. F. Willoughby, Institute for Government Research, Washington, D. C.
Thomas Raeburn White, Committee of Seventy, Philadelphia
J. H. Zemansky, Registrar of Voters, San Francisco

We have also created a *committee on organized citizen support of city manager government*. This committee will prepare a report summarizing the best methods of organizing a campaign in support of the city manager plan of government. The report will also state the advantages and the methods of organizing a permanent charter committee to defend, and to report to the public on the success of, the city manager plan after its adoption and installation. The committee held its first meeting in Cincinnati on May 20 and is already at work on the preparation of a tentative report. The membership of the committee is as follows:

Henry Bentley, president, Cincinnati Citizens' Charter Committee, *chairman*
Emily Kneubuhl, National Federation of Professional and Business Women's Clubs, New York City, *secretary*
Ralph Holterhoff, Cincinnati
Grace R. Howe, assistant secretary, National Municipal League
Walter J. Millard, Proportional Representation League, Philadelphia
Edna Strohm, secretary, Cincinnati Citizens' Charter Committee

⁂

The League's Honor Roll.—In April we published an honor roll of individuals and organizations of the National Municipal League that have held membership continuously for twenty-five years or more. From this list we inadvertently omitted the name of Mr. Richard Welling, 2 Wall Street, New York City. Mr. Welling was one of the founders of the National Municipal League and became a life member in 1911. For many years he has been active in municipal campaigns in New York City, having served as chairman of the committee on speakers and meetings, for the fusion candidates for mayor from 1890 to 1914. In recent years, Mr. Welling has been prominent as chairman of the Self-Government Committee which is interested in better administration of schools and colleges.

RUSSELL FORBES, *Secretary*.

NATIONAL MUNICIPAL REVIEW

VOL. XVIII, No. 6 JUNE, 1929 TOTAL No. 156

EDITORIAL COMMENT

Los Angeles has joined the formidable list of cities with municipal reference library departments as aids to their public officials.

*

According to newspaper reports, six trustees of the Chicago Sanitary District and eight other political lights have been indicted for graft. Frank J. Loesch, president of the Crime Commission, who handled the prosecutions before the grand jury, declares that at least fifteen million dollars was grafted and wasted in two years. From 1925 to 1928 the pay roll jumped from $5,280,000 to $9,369,000.

*

The Bureau of Public Personnel Administration, Fred Telford, director, now located at Washington, is moving to Chicago to become affiliated with the University of Chicago under an arrangement similar to that entered into by the City Managers' Association.

Another example of the University's progressiveness is the appointment of August Vollmer, chief of the Berkeley Police Department, as professor of police administration in the department of political science.

*

In commenting upon the passage of the new election code, report of which is contained in the Notes and Events department of this issue, the Cleveland press has the following to say about the REVIEW's old friend, Mayo Fesler, and the Cleveland Citizens' League:

> In the general satisfaction over the passing of this bill among the good people of the town, it should not be forgotten that Mayo Fesler and the Citizens' League of Cleveland are entitled to far more of the credit for that bill than they have received.
>
> Quite frequently the Citizens' League and its able and energetic director get panned by irate public officials. Very seldom does anyone turn out and pay tribute to the kind of painstaking, unobtrusive job which the league has done on such as this bill.

*

Borough Government Considered for St. Louis Region The St. Louis newspapers report that Professor Thomas E. Reed has been retained to conduct an extensive survey of the metropolitan area of St. Louis for the purpose of formulating a plan for the consolidation of the city of St. Louis and St. Louis County. Readers will recall that in 1926 a proposal to consolidate the city and the county was defeated by the negative vote of the county. Since that time, sentiment in favor of applying the federal plan to metropolitan areas has grown, and it will be Dr. Reed's function to decide whether this system can be adopted in St. Louis.

Although the St. Louis and the St. Louis County Chambers of Commerce appear to be looking hopefully towards the federal plan, in which the general government limits itself to general needs leaving attention to local needs in the hands of local authorities, sentiment in favor of outright consolidation still remains. Opposition to the federal plan was voiced recently by Hugh K. Wagner, who has for many years been striving for a single government for the St. Louis area. Mr. Wagner believes that the borough system involves waste of public money in maintaining a multitude of petty governments. Mergers are the order of the day in business, he says, and it would be unwise to adopt an "unmergerlike" plan of government for the St. Louis community. The sentiment for local autonomy, he believes, comes chiefly from office holders in St. Louis County and those who sell supplies to its different school districts and small municipalities.

*

Victories and Reverses for C. M. Plan

On April 9 the voters of Redwood City, California, adopted the city manager plan by home-rule charter. In drafting the charter the board of freeholders was advised by Messrs. Cottrell, Nanry, Edy and May. A striking section of the charter requires that candidates for the managership must have served for at least one year as city manager, assistant, or deputy manager. As reported in the Review last month, the proposed manager charter for New Rochelle, New York, contains a somewhat similar provision.

The voters of Lincoln, Nebraska, recently rejected the city manager plan by the decisive vote of 8,212 to 1,167.

In spite of all that Walter Millard could do in the last days of the campaign, the voters of Sedalia, Missouri, last month rejected the city manager system of government. Two Negro precincts accounted for 607 of the 649 majority votes against the proposal. Upon Mr. Millard's arrival in town, the Representative Government League, which believed that the people should vote for all governmental officers and not only for councilmen, published a leaflet the opening sentences of which were: "Attention: Taxpayers! There is a Stranger in Our Midst! '*Beware* of Greeks Bearing Gifts'." Mr. Millard has been accused of many things, but this is the first time that he has been mistaken for a Greek carrying a present.

For a number of years Wheeling, West Virginia, has been included in the list of cities under the manager plan. How far the fundamental philosophy of manager government was understood by the voters and practiced by the city administration has been a matter of dispute. In any case, the voters early this year approved an amendment to the charter providing for a mayor-manager and making the office elective on a partisan ballot. Last month eight persons aspiring to serve their city in this new capacity contested for the nomination in the Republican primary, while only one person filed in the Democratic primary. It is not to be expected that by tacking the term manager to that of mayor the peculiar advantages of the manager plan will be retained. Probably the only effect will be a tendency to discredit the manager form among the public at large who may fail to understand the true nature of Wheeling's chief executive office.

The optional city manager bill drafted by A. R. Hatton, making it possible for all Illinois cities to adopt this plan of government, failed in the legislature after a stiff fight.

BARBER SHOP OPINION AND RAPID TRANSIT IN DETROIT

BY HOWARD P. JONES

Public Relations Secretary, National Municipal League

Analysis of campaign publicity methods reveals interesting exhibits in the case of Dignity versus Dash. :: :: :: :: :: ::

"*Public opinion is made in the barber shops of Detroit.*"

THIS quotation is from one of the circulars attacking the recent Detroit rapid transit plan which was overwhelmingly defeated at the polls April Fool's Day. It has more in it than appears on the surface.

It is the core of the apple of political campaigning. It is the *pièce de resistance* of a hearty meal on citizen psychology. It might be termed the keynote of the whole problem of governmental reform.

When we journey to the borders of the province of political science and come to that ill-defined region where are located the mills and factories of opinion, we leave behind the world of facts. We see a great region peopled with overalled figures, men wearing sweaty blue shirts or coarse flannel jackets, women cooking over hot stoves, men shovelling, men pulling levers, men turning cranks, men oiling machinery: all kinds and types of men; blonde giants from the North, swarthy dwarfs from the South, Slovaks, Poles, Czechs, Swedes, Norwegians, Italians, Bulgarians, Turks, Russians, Armenians, Syrians, Mexicans, Jews, Negroes. Last but not least, men, dressed all in white, like priests at the altars of a god—lo, barbers.

"Public opinion," writes Professor Clyde L. King of the University of Pennsylvania, "is not the mob howling in the street . . . it is the mature, social judgment reached after experiences have been recounted, hopes and fears expressed and results weighed. It is a dynamic force that writes commandments and statutes anew. It is the force that translates social needs into governmental action. . . . It is the creative, directive power in government."

Yet, according to the Detroit Committee of Fifty-one, which was responsible for the statement with which this article opens, all this takes place in barber shops. Have we overlooked the barber shop as the great forum of twentieth century democracy? Is our concept of public opinion incorrect? Is it a force created by the click of tonsorial shears? Can it be controlled? Can it be mastered? These and similar questions should be in our minds as we glance at what happened in Detroit last April Fool's Day.

No attempt will be made here to answer these questions, however, or to cast any new light on so involved a matter as the formation of public opinion. The situation in Detroit will be presented for its own sake. If there are any conclusions to be drawn, the reader can draw them.

First let us see what happened; second, let us take a glance at the campaign material that brought about the result; third, let us see what efforts were made by the defeated side.

On April 1, 1929, the Detroit electorate, by a vote of 90,439 to 35,416, rejected the first subway construction program ever submitted to the voters—a bond issue of $54,600,000 which would have paid for the major share of the construction of 13.3 miles of train operated subway and 2.03 miles of subway and elevated for street car use.

The objections that were voiced most seriously in the campaign against the plan were:

1. That the financial plan to pay a proposed 17 per cent by *ad valorem* taxes upon the city at large, would result in a tax burden with no benefit to outlying homes.

2. Special assessments would be inadequate to pay 51 per cent of the total cost, as proposed by the Rapid Transit Commission, so that an additional general property tax would be required to pay the cost. Special assessments were opposed particularly in the districts where the crosstown lines were supposed to run.

3. That the route was not extensive enough to afford service to various outlying districts of the city, such as the northeast and the northwest. That the promised speed (about 18 miles per hour from end to end of the line) was not really "rapid transit." That this was only the beginning of more routes, more millions, more taxes and more assessments.

4. That the propaganda in advertising, just prior to election, advising the workers to vote for the subways, aroused opposition instead. These ads were signed by downtown property owners, largely. One of the large factors was the thought that an effort was being made to build up the downtown center—stores, office buildings, banks, etc.—at the expense of outlying neighborhood stores.

5. There was uncertainty as to whether the subways would prove satisfactory, as against surface relief. It was felt that other means of transit, possibly, had not been sufficiently tried out. In two reports made by the Mayor's Committee on Finances, it was suggested that a coördinated survey of the entire transportation problem of the city, including street cars, buses, and motor vehicles should be made. In other words, the city was not "sold" on the idea of subways.

However, it is interesting to note that in the literature passed out by the opposition there was no attempt at serious analysis of the problem. Indeed, the fundamental, most active opposition, was based on a few catch phrases and a handful of superficial but glowing statements aimed at the particular prejudices of the particular voters. It is interesting to note also that the proponents of the plan apparently had every avenue of control of public opinion on their side. Every newspaper was in favor of the subway construction. The radio was used intensively, although only for a few weeks prior the election—and by both sides.

How then did the opponents of the project get their ideas across to the voters so successfully as to rout completely the arguments of those favoring the plan?

First, there was the barber shop pamphlet. In large letters across its face glared the opening sentence of this article. "*Public Opinion is Made in the Barber Shops of Detroit.*" The circular, which is quoted at length for the novelty of its argument, continued:

"Why?

"Because the Common People are served in them.

"Because they are the neighborhood meeting places where public issues are discussed.

"Because people have a bit of leisure to consider such questions when they meet and wait; and

"Because the Master Barbers and their workers get a slant on such questions that few other business men and workers get.

"Well, what of it?

"This:

"Many people who attend barber shops are working people, who pay rent, and are interested to prevent rents getting higher.

"Many more own their own homes and don't want taxes to eat up their earnings.

"Many more are buying their homes on partial payments made every month—with city taxes coming in a lump in July and state and county taxes coming in another lump in December. These people are interested in preventing these lump tax payments from becoming too burdensome.

"Many more are buying vacant lots on contract with monthly payments, annual city taxes, annual state and county taxes and special assessments for pavements, sidewalks, sewers and water supply. These people don't want any new burdens, especially when they are for somebody else's benefit.

"To which of these classes do you belong?

"THE APRIL FOOL'S DAY JOKE

"On April 1—which is, very appropriately April Fool's day—the common council and mayor of Detroit are asking the taxpayers, renters and workers of Detroit to impose *Ninety Million of Debt for April Fool Rapid Transit,* which will serve only eight per cent of the car riders and will benefit only eight per cent of the city's area but will *be paid for by everybody.* If this job is put on the city it *will not produce rapid transit* for the whole city.

"Its speed limit is fixed at sixteen (16) miles an hour. The police let the citizens drive their cars at twenty-four miles an hour now, and we don't call that 'rapid.'

"It will have only a double track. There is no rapid transit system in this or any other country with less than four tracks, one each way for local trains, one each way for express trains.

"It will serve thirty-two million riders out of the four hundred millions who ride surface cars today. That means that only eight out of every hundred riders can get any use out of it.

"It will serve thirteen and a half square miles of the city's area. There are one hundred and sixty-six miles of territory in the city.

"It will not serve any of the city's territory north of Temple Ave.

"It will not serve the Hamilton, Twelfth, Linwood and Dexter Districts.

"EVERYBODY WILL PAY

"Among them are the city councilmen who have submitted it. Five out of nine of them opposed it."

There were many others, including the neighborhood weekly paper distributed gratis to the home-owner's door step, all playing upon the slogan "April Fool Rapid Transit." The following sample, with the sentences shrieking across the page in big bold type, is also choice:

"When Pingree lived
"We paid a three cent carfare.
"When D. U. R. got control
"We paid a five cent carfare.
"When the city bought the lines
"We paid a six cent carfare.
"When it had them awhile
"We paid an extra fare for transfers.
"Now April Fool Rapid Transit
"Proposes a ten cent carfare
"With three cents for transfers.
"How do you like it?"

But what were the advocates doing all this time?

In dignified, well chosen language, they were pointing out the advantages of saving time and of being comfortable, in newspaper advertisements. They were outlining the proposal in all its details over the radio, and talking about the fairness of the financial plan. They were distributing a neatly bound joint report of the Street Railway Commission and the Rapid Transit Commission. They were doing as much—and more—as is usually done by the advocates of such a proposal.

Typical of their appeals is the following:

"SAVE TIME!!

"BE COMFORTABLE!!!

"Here in plain language, are the physical features of the Rapid Transit Plan to be voted on April 1st.

"Surface street cars come down Woodward Avenue until they reach Temple Avenue where they disappear underground and continue underground to Woodbridge Street. There they turn and proceed back up Woodward underground until they reach Temple Avenue, where they emerge and continue as surface cars.

"Surface cars coming to the downtown area from the west side of Woodward disappear underground on Grand River Avenue at Elizabeth Street and run underground to the Capitol Square loading station, where they turn underground and continue underground until they again come out at Elizabeth St. and continue as surface cars.

"Surface cars coming down from the east side of Woodward Avenue will go underground at St. Antoine Street and proceed underground to the Library Park loading station, where they turn underground and run underground until they again emerge at St. Antoine and continue as surface cars.

"There will be a through track connection under Grand River from Library Park to Capitol Park to permit running through cars from the West Side to the East Side or in the opposite direction.

"The Vernor-Mack underground line runs from Coolidge Highway through the Rouge as an elevated structure to Woodmere Avenue where it disappears underground and travels underground via Vernor Highway and Michigan Avenue to the Campus Martius loading station, thence via Monroe, Randolph, Gratiot and Mack to Connors Road.

"Recently we had bitterly cold weather. Long lines of women and children, working girls, workmen and other citizens stood in streets, waiting for the surface cars.

"WITH THE RAPID TRANSIT PLAN IN OPERATION

"all of these people would have been comfortably waiting in connected underground loading stations in the downtown area. Also this condition would have prevailed at the many underground loading stations along the Vernor-Mack line.

"With all of these hundreds of surface cars underground in the crowded sections thus relieving street traffic conditions, accidents would be fewer and walking or driving made easier and safer.

"The Rapid Transit System, through its connections with 27 surface routes of the D. S. R. and 12 bus lines will speed up the entire surface transportation of the city, saving time for workers and everyone else.

"Incidentally, 75 per cent of the material used in building the lines will be purchased in Detroit, and thousands of Detroit workmen will be given employment during the five-year construction period.

"It's a good plan. It's a workable plan. It should be adopted at the April 1st election. Vote 'YES.'

(Signed)

"CITIZENS' BETTER TRANSPORTATION COMMITTEE."

There is something of gall and wormwood to the political idealist in all this. Whether the decision of the voters on April 1 was right or wrong is beside the point. For the purposes of this discussion, we don't know and we may remain ignorant. Neither should this be construed as a reflection upon the work of the Rapid Transit Commission, which has accomplished a great deal for Detroit during the period of its existence. We are not concerned here with an analysis of the rapid transit situation in the Motor City. That is in itself a subject for investigation. We are concerned solely with campaign methods: low brow versus high brow, if you will. What does interest us is: it was the rough and ready method, the shirt sleeve style, of demagogic propaganda that won out.

There are, of course, certain assumptions that have to be made if we grant the above. We have to agree that the test was a fair one; that method, indeed, determined the result, rather than any essential unsoundness of the proposition, the reluctance of the voter to approve any large public expenditure at this time, or any one of half a dozen other possibilities.

Above all, we have to grant that machine politics did not play so big a part as to have been definitely responsible for the outcome. Herding voters to the polls and instructing them how to mark their ballots would have had the same result as did the circular propaganda. Probably a true picture would have to consider more of these elements seriously. In any event, the Detroit literature, if it may be so termed, deserves preservation as a classic of a sort.

What then?

Must the advocate of anything progressive in government take off his coat, slip on his overalls and get to work digging ditches?

It is for you to answer. Perhaps the project ought to have been defeated anyway, and the result illustrated the truth of *vox populi vox Dei*. On the other hand, if we were among staunch backers of rapid transit for Detroit, we might think of the words of James Russell Lowell in "The Candidate":

> "It aint by princerples nor men
> My preudent course is steadied;
> I scent which pays the best and then
> Go into it baldheaded."

Be that as it may, we are not going to be enticed into drawing conclusions. Let us take the case of Detroit Rapid Transit *vs*. Barber Shops, mark it Exhibit A, and leave it on the shelf for diagnosis in the light of later events.

POLITICS IN NEW YORK CITY SCHOOLS

BY H. W. MARSH

Civic Director of the City Club of New York

Since the days of Mayor Hylan politics has dominated the filling of the higher posts in New York City's public schools. Persistent efforts at reform have been frustrated. :: :: :: :: :: ::

SINCE the administration of Mayor Hylan, the New York City board of education has been largely political in character. The selection of associate superintendents and the treatment of the position of superintendent of the school system by the board of education has been controlled very largely by the dominant political organization. This prostitution of the higher positions in the school system for the benefit of the political organization was started by Mayor Hylan with an attack on Dr. William L. Ettinger, who was superintendent of schools when Mayor Hylan took office. With various changes in the membership of the board of education, Mayor Hylan was not only able to force out Superintendent Ettinger, but also to gain a practical control over the board of associate superintendents, whose power with respect to the administration of the school system is almost unlimited. The sinister effect of this political control has persisted ever since the Hylan administration.

APPOINTMENTS TO HIGH POSTS

In New York City there are some thirty district superintendents in the public schools and about forty high school principals. The various teachers of special branches and others who are subject to selection by the board of associate superintendents without the necessity of complying with any requirement for competitive tests as to their relative fitness number over 100. The board of associate superintendents, charged under the law with the power of selection, is composed of nine persons appointed by the board of education with a free hand. The board of education is composed of seven persons appointed by the mayor.

Certain restrictions with respect to the qualifications of the high school principals and district superintendents are laid down in the education law, and these restrictions prevent to a large extent the appointment of anyone without at least minimum qualifications. However, within recent years, there have been at least two notable exceptions, even in this respect. In one case litigation resulted in the demonstration of the fact that Miss Lucille Nicoll, who had been selected by the board of associate superintendents for district superintendent, did not possess the minimum qualifications for the position required under the law. In another case, that of Miss Agnes Birmingham, a relative of Mayor Hylan, it was found after her selection by the board of associate superintendents, that she did not have the requisite qualifications for the position of director of speech improvement required under the law. In both cases it was common knowledge that the selection had been made by the board of associate superintendents because of the unusual political pressure which had been exerted on behalf of the respective candidates.

CANDIDATES WITHOUT POLITICAL SUPPORT FAIL

The policy of the board of associate superintendents with respect to the selection of appointees for these higher supervisory positions has been to receive applications from any candidates who have the temerity to apply in the face of existing conditions. Just what process these applications are subjected to in the board of associate superintendents remains to a considerable extent a mystery. It is said that they are examined carefully with respect to the experience records of the various persons who may apply and that the applicants are summoned before the board for personal interviews. However, it is common knowledge that members of the board of associate superintendents receive communication in various forms from the political leaders who are interested in particular candidates, and it is also common knowledge that with few exceptions those candidates who have failed to make proper political connections usually fail to receive favorable consideration at the hands of the board of associate superintendents no matter how extensive their experience or how excellent their qualifications.

While it is true that occasionally, in spite of this system of selection, persons of excellent qualifications find their way to selection and appointment, it is also a fact that the able and ambitious members of the teaching staff to whom this pulling and hauling through political channels is distasteful, refuse to apply for promotion when a vacancy occurs.

RIGID EXAMINATIONS FOR APPLICANTS

It has seemed to those who are interested in the improvement of conditions in the teaching forces that the only method by which this demoralizing political condition may be corrected is by subjecting all applicants to a rigid competitive test as to their fitness, and opening the selecting process so that there may be a fair field and no favor. The conduct of such a test must be removed as far as possible from all connection with the political officials of the board of education. Under the education law, there exists a board of examiners of nine members, whose duty it is to select through competitive tests the teaching staff of the public school system up to the grade of high school principal. This board of examiners is made up of persons who are themselves selected through competitive tests of fitness held by the municipal civil service commission of the City of New York. They are paid salaries of $11,000 per annum, which is equivalent to the salary paid a district superintendent. The examination by which the municipal civil service commission selects a member of the board of examiners is typical of the kind of test that would be appropriate for the selection of a district superintendent or a principal of a high school. A non-assembled examination based upon the records, reports and observations made of the candidates at work in their own schools would constitute the test which would be appropriate. The board of examiners themselves have outlined the kind of a test which they would deem appropriate for filling the position of district superintendent.

LEGISLATIVE MEASURES FAIL

In order to accomplish the purpose of giving to the board of examiners jurisdiction over these higher positions, a bill has been introduced in the New York legislature every year for the past eight years. Two years in succession the bill passed the lower branch, and in the session just adjourned the bill passed the senate by a majority of one vote. But the bill has never passed both branches in the same session. The only obstacle to the passage of the bill has been the opposition of the board of education and the democratic administration of the city government in New York. While the open propaganda in opposition to the bill has been based almost entirely upon the argument that a competitive test for these positions is impractical, it is perfectly clear that the real motive behind the propaganda is the fact that the political organization considers the positions involved of great importance to the organization itself. Through these positions a great many favors may be bestowed throughout the teaching force in the public schools, and teachers and the parents of children may be placed under definite obligation to the political organization through the acts of these various supervisory officials. Each succeeding year the bill has been introduced, it has accumulated support from civic organizations and disinterested public-spirited citizens throughout the city. The fact that the city, however, has but one state senator and only four or five assemblymen who are not entirely subject to the political control of the dominant organization, has made it difficult, if not practically impossible, to obtain consideration of the bill on the basis of its merits at any session of the legislature. It would seem that the only method by which a bill of this kind can obtain favorable consideration in the state legislature is through a wide campaign by which the up-state members, as well as those from New York, may be made aware of the detailed effect of the bill on existing conditions in New York City.

SCAPA HELPS SCRAP BILLBOARDS

A SHORT STORY OF THE ANTI-BILLBOARD CAMPAIGN IN ENGLAND

BY HAROLD A. CAPARN

Landscape Architect, New York City

Scapa means the Society for Checking the Abuses of Public Advertising, organized in London in 1893. :: :: :: :: :: ::

THIS story is derived from three pamphlets issued by the Scapa Society of London concerning the campaign in Great Britain against the evils of the billboard.[1] It will be of especial interest to those waging a similar war over here, as it will enable them to compare conditions and methods of meeting them on both sides of the Atlantic.

"When the Scapa Society was formed in 1893, it was called the Society for Checking the Abuses of Public Advertising, but it was soon found that the initials lent themselves to the present brief title. It is, however, concerned with advertising only where the display injuriously affects the amenities of outdoor life. Its objects have been thus defined:

"(1) To protect the picturesque simplicity of rural and river scenery, and to promote a due regard for dignity and propriety of aspect in towns; with especial reference, in each case, to the abuses of spectacular advertising.

"(2) To assert generally the importance, as a great public interest, of maintaining the elements of interest and beauty in out-of-door life.

"Scapa believes that, if the individual members of the community throughout the country would exercise their influence and act in concert, they would form a much stronger force than the various classes which, for the immediate convenience of their own business, disregard the rights of those who desire to see nature, and whatever is pleasing in the daily round in towns, without molestation. One way in which great good may be done would be by resolving to abstain from purchasing commodities and patronizing entertainments, and so forth, which are forced upon their notice by methods which they resent as offensive and unfair. The virtue of this rule depends, however, on the willingness of those who observe it to explain their reasons for adopting it. The idea might, at first, appear novel and eccentric to many shopkeepers and hotel proprietors and others, but it would gradually become familiar and, in the end, self-evident, for no one who stops to think would suppose that the comfort and convenience of society can be promoted by practices which convert things that would give pleasure into occasions of discomfort.

"It is no part of the purpose of Scapa to prohibit out-of-door announcements, least of all to prevent the use of well-designed and cleverly printed and carefully arranged posters. It would only stipulate that they should be exhibited in the right and not the wrong places, and that the sense of the community affected, and not the will of the billposter or other publicity agent, should be the arbiter."

---

[1] The three pamphlets bear the following titles: *A Brief Sketch of Scapa Aims and Work; An Account of the Constitution, Aims, Method and Work of the Society; A Brief Résumé of Work Done.* All published by the Scapa Society, 7 Buckingham Palace Gardens, Buckingham Palace Road, Westminster, S. W. 1, London, England.

REGULATION NOT PROHIBITION

The principles which in recent years have come to be understood and adopted by those who work to restrain the excesses of outdoor advertising in the United States are those of the Scapa Society of thirty years ago. They are:

Not the abolition of billboards, but their restraint.

The protection of all worth-while scenery as a community right and asset.

The restriction of billboards to their proper places, to wit, the commercial districts; for the real evil of the billboard is not so much in itself as in its placing.

People should be encouraged not to buy goods that are offensively advertised.

Outdoor advertising can be effectively and systematically controlled only through legislation.

FIRST LAW SECURED IN 1907

It was not until 1907, thirteen years after its founding in 1893, that the Scapa Society succeeded in securing the Act of Parliament necessary to provide the powers of control. This delay was due, not to hostile opinion either in the House of Lords or Commons, but to the manoeuvres of a small minority which was able to block the progress of a bill, the supporters of which were held "not to have a claim upon the time of the House." Although it did not go far enough in the grant of powers, this first bill was of enormous importance because it asserted the principle of control for the first time in the history of English jurisprudence. Owing to similar obstructions, it took eighteen more years to put through another bill making good the deficiencies of the first. The second became law, however, in 1925. It empowered any local authority to make by-laws:

(1) For regulation and control of hoardings and similar structures used for the purposes of advertising when they exceed twelve feet in height;

(2) For regulating, restricting or preventing the exhibition of advertisements in such places and in such manner, or by such means as to affect injuriously the amenities of a public park or pleasure promenade, or to disfigure the natural beauty of a landscape.

It is, however, provided that advertisements existing at the time of the making of the by-laws shall be exempted for a term of not less than five years. Also, the by-laws require confirmation by the Central Government. The Home Office for a long time approved by-laws covering large parts of districts, but later adopted a stricter interpretation of the "natural beauty of the landscape," so that the Act of 1925 became necessary. The extended powers which it provided include similar protection for:

(a) The view of rural scenery from a railway, a highway, or any public place or water;

(b) The amenities of any village within the district of a rural district council;

(c) The amenities of any historic or public building or monument, or of any place frequented by the public solely or chiefly on account of its beauty or historic interest.

Another statute of 1907 contained the Sky Sign Clauses giving local authorities power to prohibit them. They are now rigidly forbidden in most cities.

Also a great number of minor, but most useful provisions restraining disfigurement have been, from time to time, inserted in bills dealing with railways, canals and street traffic. The law of rating (taxing) has been, in a great number of cases, invoked for the discouragement of field board advertising.

It thus appears that, in Great Britain, the control of billboards is a matter of local option. Fower is derived from the central authority, Parliament, and is delegated to local authorities, which can not only decide whether they will undertake the control of billboards, but also the degree of control they will accept. One writer complains that many local authorities asked for and obtained powers much narrower in scope than they could have secured.

THE BRITISH VIEWPOINT

To anyone conversant with the billboard campaign in this country three phases of the British story stand out:

(1) Nowhere and at no stage of the operations is there any suggestion of opposition on the ground of the rights of private property. Billboards are controlled on private and public property alike, the condition of control depending on their being visible from such points as to "affect injuriously the amenities of a public park or pleasure promenade, or of villages, or to disfigure the natural beauty of a landscape."

(2) Nowhere has their been an effort to disparage the movement by labeling it as a mere question of aesthetics. Everywhere it is assumed that the unsightliness of billboards in particular situations is a real and sufficient justification for their removal. In both the statutes cited "beauty" is regarded as deserving the protection of the law.

(3) As a rule the organized billboard interests, such as the Billposters' Association, avoid any interference with the amenities of rural landscape. They would not oppose the passing of by-laws designed for its protection. The Act of 1925 has the support of the Billposters' Associations and of the London Chamber of Commerce with which they are affiliated.

These three questions, which form the first-line trenches of the billboardists over here, and on which the attacks of our anti-billboard forces are mostly directed, do not seem to exist for our British brethren. They have no opposition of courts reluctant to admit the rights of the community to regulate public detriments on private property, and no judicial antipathy to the "aesthetic principle" to overcome. The organized billboard interests can see where their best interests really lie, and are actually supporting a reasonable and necessary control of outdoor advertising, thereby making friends of the billboard fighters and the public instead of enemies.

WHAT MUST BE DONE HERE

When we have carried their first-line trenches, when the Supreme Court of the United States has approved the Massachusetts constitutional amendment to regulate advertising on private property within public view, setting the pace for similar constitutional amendments in the other states (or perhaps for an extension of the "police power" to the same point by judicial enlightenment), and when the organized billboard interests can see that they are injuring themselves and hastening the day when an outraged public sentiment will rout and overwhelm them, when they join the National Committee for Restriction of Outdoor Advertising in favoring the exclusion by law of their products from the non-commercial districts where they do not belong, then, at last we shall be in the strategic position of the Scapa Society in 1893.

This delayed development seems discouraging, for we have not the patience of the Britishers to wait for thirty-two years for the legislation we want. But the prospects are not so gloomy as they may seem. While we are working and waiting to carry the first-line trenches, we are also arousing and organizing anti-billboard sentiment which, with the aid of the national temperament and desire for quick action, is likely to result in a sudden revolution. As we have a more flagrant billboard nuisance here to vanquish than they have in England, the antagonism to it, as it gains strength and impetus, will be the more irresistible. The states will fall in line one after another with enabling legislation, and one great advantage will be that a multitude of local ordinances over there will be replaced by state statutes, many of them covering territories larger than the whole of Great Britain.

The powers conferred by the two statutes of 1907 and 1925 to exclude billboards from rural districts in England could be conferred on local authorities in the United States by zoning. It has been proposed in Massachusetts and other states to zone the lands along public highways to preserve that rural character which in part justifies the outlay of public funds on their construction or improvement. Improved rural highways serve not alone farm lands and commerce, but in these days of motor travel serve quite as much the motorist seeking an escape from the burdens of commerce and business. For great numbers the ordinary countryside is their park and recreation ground, and should be guarded with equal care. Farm lands presumably cannot be zoned on just the same basis as Class A residential districts, although they necessarily exclude many kinds of business in large degree. Also they contain farm buildings, which may, in a sense, be classed as industrial. But the principles of zoning residential districts may be applied to farm lands; and one business that should be specifically excluded is that of renting or selling space for, or erecting or maintaining billboards.

HOW TO ELIMINATE TRAFFIC FROM DOWNTOWN SECTIONS

BY V. R. STIRLING, C.E., AND RENSSELAER H. TOLL, E.M.

UP to the present, most city planning seems to have had in mind merely the *relief* of traffic. Streets are widened, multiplied, built one above another and one below another in a frenzied effort to *relieve* congestion rather than to *cure* it. But the benefits of all this widening and building are only temporary.

In order to arrive at the proper solution of the traffic problem in large cities, let us remember that the modern city is essentially a meeting place, not for public worship or for common defense, as in earlier times, but for the transaction of the affairs of life. Residence within the political boundary lines which ages ago supplanted the masonry walls is purely incidental.

Today cities all have a "downtown"

section used as a meeting place during the hours of business. Every day a wild scramble ensues to get into this section and to get out of it. This is called "traffic"; and when the traffic becomes too great, suburban districts begin to compete with the downtown section as advantageous meeting places.

KEEP MOTOR VEHICLES AWAY FROM MEETING PLACES

It would seem, in our opinion, that the most successful "downtown section" of any city, would be one that best preserves its importance as a meeting place and minimizes its position as a way station. And it would also seem that the best way to accomplish this is to prohibit all unnecessary motor traffic in the downtown section during business hours. Vehicles have no utility in a place of meeting.

The first step in the proceeding would seem to be to fix the limits of a downtown section, inside which no privately owned motor vehicle is ever permitted to enter during business hours; say from seven in the morning until seven at night. Merchandise to be hauled in and waste to be hauled out during the night. Then, completely surround this downtown business district with a wide street. Vehicles going from one part of the city to another are to detour around the restricted district.

Facing this detour street on the side adjacent to the restricted business section, build the parking garages as many stories in height as the storage of cars requires. People having business in the downtown business section will park their cars in these buildings.

FREE TRANSPORTATION IN DOWNTOWN SECTION

On the streets in the restricted section should be free motor vehicles for passengers, which should be equipped with very low platform bodies to require but one step for passengers to enter them. These motor vehicles really substitute for a moving sidewalk running the entire length of the street.

These busses or floats should run in two lines, the float on the inside making local stops along the curbstone, the "express" bus running from intersection to intersection without stopping, operating in the same manner as a four-track subway. Since pavements are built for vehicles to roll over rather than to stand upon, the downtown pavements will all be practically 12 feet wider than at present, as soon as parking along the curb is done away with.

These free floats or busses are in one sense really an extension of the building elevators. No one dreams of charging admission to the elevators of an office building, their cost and operation being charged into the rental paid by the tenant. The floats in the street should be considered in the same light.

The street cars should be left entirely alone, with the exception that turns in the downtown section should be eliminated wherever possible. Street cars deliver their passengers, load on new ones and go on about their business. Private cars do not do this.

Interurban cars should not run through a "restricted district" on the surface of the street. Their function is to take people away from it or bring them to it, not to distribute people through it.

The assumption that no privately owned motor vehicles are to be allowed on the downtown streets must be qualified to this extent: business firms situated within the restricted district, whose vehicles are vital to the transaction of their affairs, should be allowed the number actually requisite to their business, and permits should be issued for that number of vehicles.

Encourage these firms to load and unload somewhere else than alongside the curbs, however. Downtown banks need their cash cars during business hours, and downtown hotels need their delivery trucks for dispatching travelers' baggage. The mail must move, and other activities of government such as police and fire departments must carry on; but all unnecessary freight movement should be postponed until after business hours.

The wide belt street surrounding the downtown business section should be plentifully supplied with pedestrian tunnels, for on a street of this nature a pedestrian would be as much out of place as in a busy railroad yard. In fact, it seems to the writers that frequent pedestrian tunnels should form an integral part of the design of all major traffic streets.

ADVANTAGES

Under the foregoing plan it seems reasonable to assume that property within the downtown business district would have a steadier value. Also, that as the need arises, another one could be organized alongside it, as it is not the intention in presenting this idea to hamper or limit the growth of a city. In the uptown shopping district the same idea could be adopted; and, in general, the use of a motor car for city use during business hours would consist chiefly of driving over wide boulevards from one business section to another.

Traffic within the restricted area would move freely and expeditiously, on account of the substitution of system instead of the haphazard, street-jamming lack of system now prevailing. Conveyances being operated by trained, responsible persons whose jobs would depend on their efficiency, and street crossing by pedestrians being eliminated, travel would be quite safe and many traffic officers could be done away with, thus decreasing public expense.

To summarize, our suggestion is to segregate the most congested business district, surround it with a wide thoroughfare and adequate garages for parking autos, and to operate shuttle cars on the streets within the segregated district in the place of the myriad miscellaneous cars which now jam the streets during business hours. The details must be worked out in accordance with local conditions, but the broad plan is presented here in the hope that city planning boards will give it due consideration.

CHICAGO'S SUPERHIGHWAY PLAN

BY EUGENE S. TAYLOR

Manager, Chicago Plan Commission

Superhighways have passed the discussion stage in Chicago.

Every twenty minutes during 1928 one more automobile was added to the number of those already traveling about the streets of Chicago. Every hour there were three more, every day seventy-two, more than five hundred each week, and over twenty-six thousand more at the end of the year than there were when the year began.

Nearly a million and a half automobiles are registered in the state of Illinois, and almost half a million of this number are owned in Chicago. Traffic counts show that approximately

175,000 passenger automobiles alone, to say nothing of trucks, commercial vehicles, motor coaches and wagons, come into Chicago's central business district each day.

Supplementing this, some eighty to ninety thousand vehicles per day—nearly two hundred thousand on Sundays—cross the city borders by way of the thirteen main highways leading to and from Chicago. All these facts together give the picture of Chicago's problem of vehicular traffic and street congestion.

Five distinct types of street improvement have been either carried out or projected by Chicago, in accordance with plans developed by the Chicago Plan Commission. These several classifications are: (1) A quadrangle of wide streets surrounding the central business district; (2) connections to and from the central business district and surrounding areas; (3) major streets or traffic arteries, extending from city limits to city limits; (4) through-traffic or express streets; and (5) superhighways. This article will deal only with the last named subdivision of the street improvement program in the Plan of Chicago, namely the projected superhighways.

WIDE STREETS NOT ENOUGH

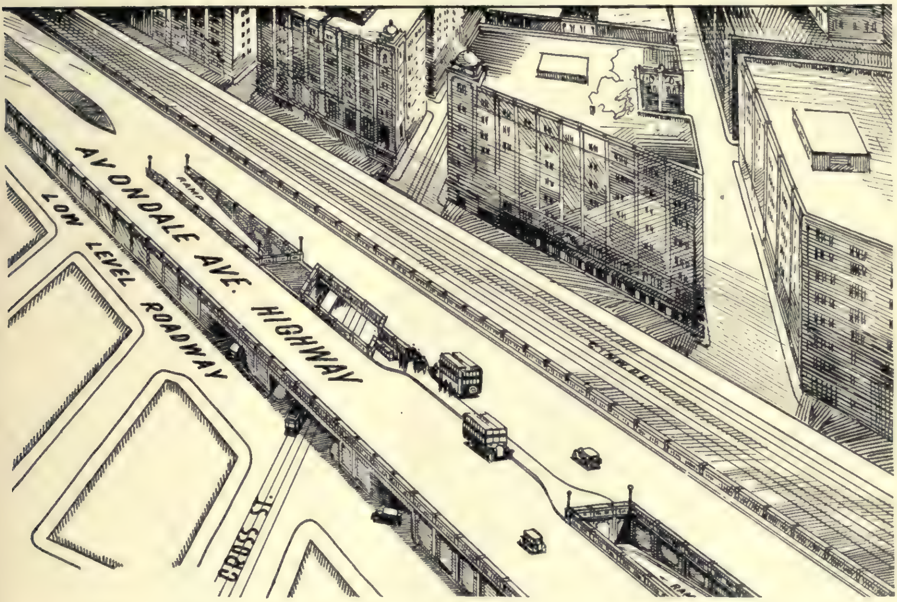
Wide streets are beneficial to traffic, but wide streets alone will not solve the general traffic problem. Wide streets provide room for a larger number of vehicles at the same time than narrow streets can accommodate, and they increase the speed at which traffic can operate safely; but they do not do away with one factor in traffic movement which is of the utmost importance from the standpoint both of speed and safety. That is the problem of intersecting or cross streets. Not until this problem has been solved can it truly be said that a real solution of the traffic problem has been achieved.

Particularly is this true with respect to long-distance traffic such, for instance, as that originating in suburban communities around Chicago and having its destination in or near Chicago's central business area. Officials of the state and county highway departments, in collaboration with the Chicago Regional Planning Association, have striven valiantly to improve road conditions to and from Chicago. But the more they succeed in improving and widening the exterior highways around the city, the greater the amount of traffic upon these highways becomes, and the more acute is Chicago's street problem.

For in Chicago, as in virtually every other city in this region, the street system was laid out many years ago—long before Chicago became a metropolitan center, and long before the advent of the automobile. Our main street system was created, for the most part, at a time when Chicago was only one-tenth its present size. Consequently the streets were not intended to serve the purposes they are now being called upon to serve, but, on the contrary, were designed largely for slow-moving horse-drawn vehicles making comparatively short trips. Thus in continuity, in width, in length, and often even in direction, we find our city streets falling short of today's needs.

AVONDALE SUPERHIGHWAY

This condition can perhaps best be illustrated by a concrete example, which, fortunately, will likewise serve as an illustration of what the Chicago Plan Commission has in mind in the comprehensive system of superhighways which it is now planning. The example I shall cite is the proposed Avondale superhighway, which is one of some six or seven similar improvements that the Plan Commission believes must eventually be constructed, radiating out fan-shaped from the center of the city to the municipal borders on all sides, and there making contact with the splendid hard road highway system which has been and still is being developed by the County of Cook, the State of Illinois and the Federal Government.



Avondale Superhighway Showing Both Low Level and High Level Roadways

Within an area of slightly over one thousand square miles northwest of Chicago there are today more than three hundred miles of main paved highways. These roads all converge near the northwestern city limits of Chicago in a locality formerly known as the town of Jefferson. No motorist in Chicagoland needs to be told that there is no direct, adequate and convenient way for the traffic upon all these highways, after it reaches the city limits, to continue its journey on into and perhaps through Chicago.

The Avondale superhighway is intended to supply that need. Beginning at the northwestern city limits, the plan recommended by the Chicago Plan Commission contemplates the construction of an improvement 210 feet wide and parallel to the elevated tracks of the Chicago and North Western Railroad, extending approximately ten miles into the heart of the city.

NO CROSS TRAFFIC

For the first nine miles of this distance the plan is to extend the fill or the elevation of the railroad right-of-way for a distance of 160 feet at right-angles to the railroad, and to construct upon the top of this elevation at the same height as the railroad tracks, a high speed thoroughfare 160 feet in width, with ramps or inclined roadways in the center thereof at strategic intervals connecting with main city thoroughfares. Upon this superhighway there would be no cross traffic, no left-hand turns and no right-hand turns, because the superhighway would pass above all intersecting streets.

In this nine-mile distance it is likewise planned to construct a second street, alongside the elevated highway, at the normal street level. This low-level street is designed for local traffic purposes, to provide connections between the various ramps, and also to connect streets which now do not pass through the railroad elevation.

With but possibly a single exception, every north-and-south, east-and-west, or diagonal street which is open through under the railroad right-of-way will be open through under the superhighway likewise, so that the building of this highway cannot be said to be creating any obstruction which does not now exist. It merely constitutes a widening of the track elevation already there, and therefore is free from all objectionable features, particularly in view of the local, low-level roadway which will furnish an outlet for such streets as now come to a dead end at the railroad elevation.

As the 210-foot superhighway nears the central portion of the city, it becomes necessary to carry it above the railroad tracks instead of alongside them. Therefore for the last mile of the project, the 160-foot-wide superhighway will be constructed directly over the railroad, and for this section of the improvement the adjacent low-level street, being unnecessary, has not been planned. In this section, also, the ordinary streets likewise pass above the railroad yards and over the river, and here consequently these viaduct streets are planned to connect directly with the superhighway.

DISTRIBUTION OF TRAFFIC AT CITY TERMINUS

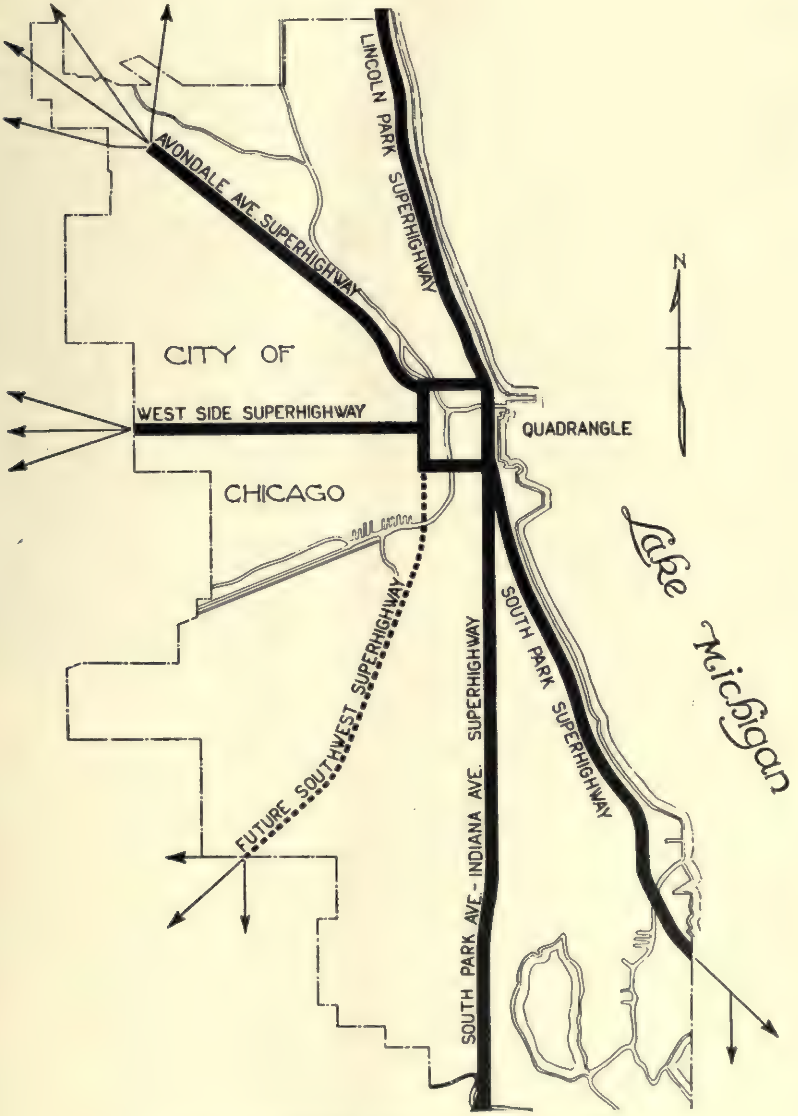
At the eastern terminus of the Avondale project it is planned to provide two branches to aid in the distribution of the superhighway traffic. One branch is planned to lead directly east and west, connecting with Lake Shore Drive and the outer boulevards along the edge of Lake Michigan, and with all the main avenues of traffic over which it will cross. The route which this branch will follow may be some street such as Illinois Street, or it may be the proposed new thoroughfare to be created along the north bank of the main channel of the Chicago River, commonly known as North Bank Drive.

The other branch of the Avondale superhighway is planned to follow Canal Street (in which street there will then be two levels), from a point near Kinzie Street south to Monroe Street, passing above the various east-and-west streets over which it extends. Canal Street is the western boundary of the quadrangle of wide streets that has already been developed around the central business district, so that superhighway traffic can either use any east-and-west or north-and-south street to reach a destination in or around the loop, or it can avoid the loop altogether by using the quadrangle streets.

The second superhighway thoroughfare upon which the Chicago Plan Commission is now at work, is a similar development alike in principle but different in details, that will lead directly through the city in an east-and-west direction from the western city limits to the quadrangle boundary, Canal Street. Intensive study has been given to this West Side superhighway, but at the present writing no route for this traffic artery has been determined upon, nor the other details of it such as width, type of construction, legal and financial details, and so forth.

OTHER SUPERHIGHWAYS

To show the thoroughness with which the Chicago Plan Commission goes into projects of this kind, I might mention that studies have been made, plans drawn, and estimates of cost developed for a variety of widths and types of construction upon a number of west side streets, including Austin Avenue, Illinois Street, Fulton Street, Lake Street, Madison Street, Monroe


LINCOLN PARK SUPERHIGHWAY
AVONDALE AVE. SUPERHIGHWAY
N
CITY OF
CHICAGO
WEST SIDE SUPERHIGHWAY
QUADRANGLE
Lake Michigan
FUTURE SOUTHWEST SUPERHIGHWAY
SOUTH PARK AVE.- INDIANA AVE. SUPERHIGHWAY
SOUTH PARK SUPERHIGHWAY

Plan of Proposed Superhighways for Chicago

Street, Congress Street, Polk Street and Roosevelt Road, all of which streets have been studied with reference to their suitability for development as the west side superhighway.

When its recommendation covering the west side superhighway has been made, the Plan Commission intends to devote the same sort of study and attention to a route southwest and northeast through the southwest side of the city. Together these three routes, it is believed, will care adequately for the traffic requirements of the northwestern, western and southwestern sections of the city, insofar as those needs can be served by superhighway development.

With respect to the north and south sides of Chicago, they already are being served by superhighways which are being developed and extended as conditions and financial possibilities permit. These highways take the form of boulevards built along the lake shore. The one to the north will extend, when complete, all the way from the northern city limits down to the center of the city, where it will meet a similar boulevard development now in process of construction along the south side lake shore. As no streets intersect these boulevards it is not necessary to have them elevated. Where streets lead into them, grade separations are provided in order to give north-and-south traffic uninterrupted movement.

Still another superhighway will be needed for south side traffic, however, and some months ago the Chicago Plan Commission selected the route which, in its judgment, will be the best one for this highway to follow, but as yet the detail plans and estimates of cost have not been completed. The route, however, follows South Parkway and South Park Avenue from the heart of the city south to the vicinity of 95th Street where it deflects slightly to the west and follows Indiana Avenue to the southern city limits, where it will meet the focal point of some eight or ten county, state and national highways.

OUR AMERICAN MAYORS

XVII. CHARLES S. ASHLEY OF NEW BEDFORD

BY B. FRANK MICHELSEN

How the man who is probably the champion long-distance mayor of an American city of 100,000 population or more retains his hold on the people. :: :: :: :: :: :: :: :: ::

MAYOR CHARLES S. ASHLEY

THE Honorable Charles S. Ashley, seventy summers young, began his twenty-fifth year as mayor of New Bedford on January 1, 1929. A remarkable record in the political annals of the United States! Indeed, it appears to be a unique one, for it is quite doubtful if any other municipal executive has equaled this record.

Two years ago Mr. Ashley was ill in a hospital and he refused to be a candidate. Certain of his friends, however, conducted a last-minute sticker campaign, and he won the election—even though his name was not on the ballot. Now, two years later, he has won another signal victory, for this time, in a free-for-all race with five candidates in the field, he was reëlected not only by a plurality of approximately 4,000 votes over his nearest opponent, but also by a majority over all.

Charles Sumner Ashley was born in New Bedford in 1858. He received a grammar school education. At the age of sixteen, he took a position in a pork market in New Bedford. Here he had labored for a year when his employer offered to sell the business to his youthful clerk for $3,400. Young Ashley had but $80 to his name. However, he managed to finance the undertaking, and at the tender age of seventeen he became a full-fledged proprietor of a market.

The future mayor of New Bedford engaged in the pork business, both wholesale and retail, for a period of fifteen years. Every morning found him on the job by five o'clock. Such an early start was necessary because many of his customers were mill workers who, because of the scarcity of ice chests in those days, were obliged to buy their meat fresh every day and before they went to their machines at 6.30 o'clock. So, from early morn until late at night "Charlie" was meeting all sorts and conditions of men. Young Ashley, it is certain, took advantage of the many personal contacts which he made in this way to build up a wide and valuable acquaintance. Moreover, the friendships, which he cultivated at that time with great assiduity, proved to be very helpful in his subsequent political career.

YOUNG ASHLEY ENTERS POLITICS

In 1883, at the age of twenty-five, Ashley made his first bid for a political office, that of common councilman, and was victorious. The following year he ran for the board of aldermen. Even though he was defeated, he was not the least bit discouraged and tried again for the same office in the next election. A newspaper said of that victory:

> Charles S. Ashley, the aldermanic candidate on the Citizens' Temperance ticket, exhibited the greatest variety of split tickets, and his workers were numerous. Many of his supporters were careless in placing his stickers, and in Ward 1 he made a good showing for nearly every office from mayor to assistant assessor. Mr. Ashley was the only candidate on this ticket who was successful.

He was reëlected to the same office the following year. Then in 1888 the Independent Citizens' Party was organized, and Mr. Ashley made his first bid for the mayoralty on this ticket. There were three candidates in the field. Mr. Ashley came in second. These three men finished in the same order the following year.

In 1890 at the age of thirty-one, Charles S. Ashley was elected mayor for the first time. He was again successful the next year. During these two terms the youthful mayor earned the sobriquet of "Sand-catcher Charlie" because of the numerous catch basins which he had installed to provide much-needed drainage for surface water. Then, after an interim of three years, during which time he served as postmaster of New Bedford, Ashley was again elected mayor in 1896; and, despite the ridicule heard on all sides, he started in where he had left off in 1892 to complete the installation of catch basins, keeping at the project until every square in the city was drained. Today no one would care to go back to the hip-boot era prior to the advent of "Sand-catcher Charlie."

The year of 1896 also marked the beginning of eight straight victories for Mayor Ashley. During these years he was opposed several times by a clergyman who headed the "No License Reform" ticket. The "Independent Socialist" party also sought to wrest the laurels from Ashley without success. On one occasion the opposition adopted the slogan—"Anything to beat Ashley." But he was unbeatable.

"SAND-CATCHER CHARLIE" MOVES AGAINST GRADE CROSSINGS

The objective of Mayor Ashley after getting his catch-basin project well under way, was the elimination of dangerous grade crossings. This proposition proved a hard nut to crack. Hearings were held on the proposed plan from time to time, with a constant stream of objectors appearing at each hearing. They came from all parts of the two counties which would have to bear part of the cost if the project went through; while eminent counsel representing the railroad did everything possible to block the measure. Then, too, the mill executives of New Bedford, together with bankers and business men generally, were against the proposition.

However, the mayor was insistent and persistent. After a battle that lasted nine years, he had the satisfaction of seeing the hazardous grade crossings abolished. Moreover, even though it cost a million dollars to do this work, the subsequent growth of the city, which has more than doubled in population since that time, would have compelled the eventual doing away of these crossings and at a much greater cost, had it not been for the courage and sagacity of the mayor, which brought about the change when costs of material and labor were comparatively low.

Mayor Ashley, always on the alert to anticipate the future needs of the city, was not content to mark time while awaiting the outcome of his battle with the New Haven Railroad, and in the midst of the fight with that corporation we find him pressing for the construction of a new bridge across the Acushnet River. A veritable storm of protest arose against this "fool scheme" of a man whose chief joy in life was thinking up ways and means of spending taxpayers' money. "What earthly need is there for a structure costing a million and a half dollars, that would benefit only the city of New Bedford?" was the question raised by those communities which would have to contribute towards the cost of such an undertaking.

However, after the battle of words was over, "Charlie" was again the victor, and the "fool scheme" became a reality. Today, with thousands of automobiles streaming across this spacious bridge, which adequately serves as one of the main arteries to historic and picturesque Cape Cod, the former condemnation has been changed to commendation for the man whose foresight was largely responsible for this indispensable public improvement.

THOUGH A GENIAL PERSONALITY MAYOR HAS ENEMIES

Public improvements advocated by Mayor Ashley have not been the sole *casus belli* in New Bedford, however, for practically all of the twenty-eight times when he has run for mayor have been battles in which little or no quarter was given. A few of the newspaper headlines apropos of the 1897 municipal campaign give some indication of this fact: "Hammer and Tongs," "Tissue of Lies," "Just Before the Battle," "Hot Time in Town," "Ashley Reëlected After Hot Fight."

The last headline is typical of the climax of nearly every municipal election that has been held in New Bedford for the last three decades. The other headlines quoted have been varied slightly from year to year, but they, too, are typical. Moreover, editorial writers have waxed eloquent against the usually victorious gladiator, as witness the following:

> The candidate of our support was nominated because his friends felt that he represented the principle of fealty to the laws which the people have made and respect for the orderly and law-abiding administration of public affairs. It is needless to recount the details in which the present administration has traversed and contradicted both of these principles. . . . If the gentleman (Ashley) who is renominated for the office of mayor in this city represents anything at all beyond his attractive personality he represents the idea of a one-man government—he being the man.

The local correspondent for an out-of-town newspaper had this to say about that election:

> Mr. Ashley was reëlected mayor of New Bedford because the people like him. He has a merry way about him which is attractive to his friends and foes, and criticisms of the conduct of the administration are of little account in comparison with Mr. Ashley's amiable and spirited individuality. . . . Mr. Ashley never forgets anybody after the election is over. He is ready to stop and talk with the humblest citizen whom he meets on the street, and his engaging manner has given him a personal following which is too loyal to be dislodged by criticism, even when it is meritorious. And so it happens that our merry monarch will rule over us another year.

The echo of this particular campaign had hardly died down when the "Merry Monarch" startled everybody by recommending the installation of an intercepting sewer. "Reckless extravagance" was the term used by the opponents to this latest proposal. It took him fourteen years to get this major improvement started. Now all of the trunk-line sewers are connected up in a super trunk line that extends out into Buzzards Bay for a distance of over half a mile. At this point all of the sewerage of the city is now discharged by gravity, thus doing away with the thirty-six outlets which formerly emptied into the Acushnet River at various points from one end of the city to the other, and which were a constant menace to health because of the pollution of the waters. This condition was corrected at a cost of $1,200,000. Here again the vision and courage of Mayor Ashley were exemplified, for the project would have cost at least double that amount if the start had been delayed very much longer.

A PROMOTER OF PUBLIC IMPROVEMENT

Even before the advent of the automobile he had begun a comprehensive program of street-widening so that today the city is blessed with encircling boulevards and wide avenues, together with many well-laid-out streets, which are lighted with neat ornamental electric lights, and are quite capable of caring for greatly increased traffic. It is interesting to note that the chief thoroughfare leading in and out of the northern section of the city was designated "Ashley Boulevard" during one of the few years when he was a private citizen.

Land to the extent of 189 acres was purchased at a cost of $84,000 at the instance of Mayor Ashley and laid out in beautiful parks, which today are worth $1,500,000. In addition, two marine parks are in the making at slight cost to the city. This is being accomplished by the simple expedient of building bulkheads around some odorous flats in the Acushnet River, and then dumping ashes, which are collected by the street department, inside of the retaining walls. When the filling is completed these areas can be made into delightful spots of recreation for the people of New Bedford at little cost.

Another measure advocated by the mayor which meant a great deal to the people was the inauguration of a three-cent fare for workingmen. This fare was in effect for twenty years, during which time the Union Street Railway Company, one of the most successful and best equipped roads in the country, paid an annual dividend of 8 per cent.

Still another accomplishment of his long reign was the erection of new and commodious school buildings of A-1 construction, with large playgrounds, to care for the rapidly growing city.

Shortly after the World War, community centers were organized, with the assembly halls and gymnasiums of conveniently located schools made available for both young and old to engage in healthful recreation after working in the mills during the day.

Americanization work was also extensively undertaken here at the close of the war. This work has proved to be highly beneficial to newcomers from other lands, and it has speeded the naturalization of such persons by giving them a comprehensive training in the fundamentals of true Americanism. Probably no other city in the country excels New Bedford in this kind of service.

Moreover, New Bedford was the first city in Massachusetts to place its women school teachers on a salary basis equal to that of men teachers doing the same kind of work.

In 1897 the "Further Water Supply" system was put into operation. Since that time, under the direction of an expert water-works man and the keen coöperation of Mayor Ashley, this indispensable service has been constantly developed to meet the needs of the growing city. According to the standard schedule of the National Board of Fire Underwriters, the New Bedford water supply is charged with but 31 points of deficiency out of a possible 1700—which gives this system an efficiency mark of 98½ per cent from the standpoint of fire protection. Moreover, the quality of the water is excellent according to the findings of the State Board of Health.

Mayor Ashley has often been accused of being a "free" spender. In the light of these permanent improvements, together with many others which space does not permit mentioning, it can be readily seen that he has been a "good" spender; for most of these projects were put through when costs were very much lower than they are at the present time.

During the early part of the "Merry Monarch's" long reign, his greatest vote-getting strength was in the end wards of the city. In subsequent years, as the more conservative element began to realize his administrative abilities, the center wards rallied strongly to the Ashley banner. In the last campaign, even though he lost both end wards—which was largely due to the fact that one of his opponents, who happened to be of French extraction, captured the so-called French vote of the city—the central wards went stronger than ever for Ashley. So, the "Merry Monarch" will be in a position to observe his silver anniversary as mayor of New Bedford one year hence

CHARLESTON PORT DEVELOPMENT UNDER PUBLIC OWNERSHIP

BY J. RUSSELL WAIT

General Manager, Port Utilities Commission, Charleston, N. C.

The story of port development through public ownership on a cost basis, told by one who has spent many years in privately owned and operated industries. :: :: :: :: :: :: :: ::

THE port of Charleston, South Carolina, is one of the oldest on the American continent, one well equipped with natural harbor facilities, and with a creditable past record.

Changing industrial and agricultural conditions and the resultant modification in the rail distribution system have brought several cycles of improvement and retrogression in the port. For seventy-five years attempts have been made by the city of Charleston to improve the port for the benefit of the people of the state and the nation.

BEGINNINGS OF PUBLIC OWNERSHIP

In 1921 an eminent port authority was employed to recommend a course of procedure to enable the city to protect its interest by municipally owned rail-water terminal facilities. This expert made a thorough and comprehensive survey. After carefully considering his report the city decided on the purchase of an existing terminal company, jointly owned by two connecting carriers and operated as a separate company. The property purchased consisted of thirteen miles of standard-gauge railroad sidings serving one hundred industries, wharves and docks and forty-six miscellaneous buildings, warehouses, dredging outfit and three locomotives. To permit this purchase a bond issue of two and one-half million dollars was floated to be retired in forty years, and operations began on July 10, 1922.

In commencing operation of this municipally owned property, there was no clearly defined policy nor knowledge of just what practice would best develop the port, but only a vague notion that new and improved facilities should bring new tonnage and development.

Studies were made of other ports. On account of the after-war inflation some of them were found to be making money, so the Charleston venture seemed destined to be a profitable business.

Simultaneously with the venture into public ownership, a private company was organized to lease and operate the United States army base as a terminal for import and export tonnage. This plant was outside the city limits and the jurisdiction of the city. Much destructive competition resulted. It developed that in the port of Charleston there were four general types of terminals competing for the ocean-borne traffic of the port, namely, privately owned and operated docks, railroad-owned and operated docks, municipally owned and operated docks, and federally owned and privately operated army base. So long as the peak of after-war tonnage was available to the port, each of these terminals was able to exist without hardship, but curtailment of tonnage and increase of competition in the port and between ports brought on serious difficulties and forced a consolidation of the army base and the municipally owned terminals.

SPECIAL INTERESTS AND POLITICAL INFLUENCE ELIMINATED

The writer of this article has been in charge of these consolidated properties for over four years. Previously he had for many years been in executive charge of privately owned and operated industries. The views expressed herein are therefore the result of efforts to apply the principles of privately operated business to publicly owned and operated terminals.

In taking charge of the complicated situation, great care was exercised in order that no special interest or political influence might interfere with operation on good business principles. In the light of four years' experience it is plain that any little improvements effected are due to the fact that interference has been negligible and unbusinesslike practices have been avoided. Had this precaution been omitted, long since would have disappeared the opportunity to formulate a policy based on service to customers on a cost basis.

In the beginning there existed no yardstick by which to gauge a contemplated contract. For example, an existing lease of a terminal to a steamship company appeared to be based on nothing more than the steamship company's statement that it could pay $4,000 a year and that if any more were asked it would leave the port of Charleston. On account of the complicated local situation this threat made trouble for the commission because it had no information as to whether the rental formerly charged was proper or not. There was a peculiar belief that a public dock implied a dock similar to a public road, owned by the public and open to all alike without cost. This sentiment, always carefully disguised of course, was advanced by those making use of the public facilities for their private operations. It may be of interest to note, however, that the rental paid by the above-mentioned steamship company was increased to $24,000 a year in 1926 and remains at that figure at this writing, the change having been brought about by the simple application of common sense in determining what were the costs of terminal operations at privately owned and operated docks and applying this cost per ton to the steamship company operating on the publicly owned and operated docks.

COST BASIS AROUSES OPPOSITION

This material change in policy threatened to destroy the management, which was accused of overcharging and of underdeveloping the port. The attacks came from bankers, brokers, agents and others directly profiting from the terminal operations. But as each controversy developed it became easier to expose the selfish interest pressing for financial advantage.

In other activities involving the use of railroad cars, the handling of vessels, the storage of cargo, the charge for dredging and other services furnished, the basic rule has been to assess charges, whenever possible, on a basis of the cost of the service—the principal exception being the services furnished on a wharfage, storage and handling tariff fixed by the railroads at below cost basis. Where possible, the cost of service by a private operator is determined and under no circumstance is this cost undercharged.

On regular business flowing consistently through the port, which has reached fixed levels of cost, the operation of this policy is relatively simple, but when the soliciting agents of railroads or steamship companies, or local industries, or even the so-called port developers in the employ of the city itself, approach the publicly owned property for service at a figure less than cost, unlimited controversy arises. Usually the argument is made that new business is impending, with only the port charges standing in the way of securing it.

RELATION OF RAIL FREIGHT RATES

It is evident that the ports of the United States are similar to large business operations. Each can be and is aroused to intense competition with the others, which has frequently reduced port charges below service cost. The basic principle of the rail freight rate structure, under which the Interstate Commerce Commission has allocated each port a trade territory and made the rates applicable to and from this territory favorable to the port, is lost sight of. This allocation earmarks certain tonnage as available at a particular port and as belonging to that part. This is class one of tonnage.

Looking at the port of Charleston or the port of Mobile, one observes that the trade territory of each is in general a long, narrow, rectangular section. If a study is made of the imports and exports properly handled through the port of Charleston or that of Mobile, it will be found that a perfectly definite tonnage is available to each from its respective trade territory. Outside of this tonnage there exists the possibility of handling competitive trade from the central freight area north of the Ohio River, and if the ports of Charleston and Mobile decide, for development purposes, to cross the Ohio River in their zeal for tonnage, they should do so with the full knowledge that when they cross the Ohio River they must face the competition of the St. Lawrence waterways' ports and of all other eastern ports of the United States and the Gulf. This is class two of tonnage available, highly competitive.

The third type of tonnage available to either the port of Charleston or of Mobile is tonnage originating in or consumed in the trade territory of another port—for example, tonnage originating in territory properly allocated to Savannah, Georgia. If Charleston enters Savannah's trade territory, it is obvious that it must absorb the freight difference in favor of Savannah. If it does, then some freight may be diverted, but it soon is returned to Savannah when that port meets the reduction. This is bound to occur, and the policy has brought about a regrettable condition at practically all United States ports, excepting San Francisco and New Orleans.

As a result, publicly owned facilities that attempt to meet such unfair practices have no chance to pay their way. There is much ignorance and indifference on the part of the average taxpayer about these matters, because much misinformation is spread by importers, steamship companies, railroads and others profiting on the business, while the public treasury is underwriting the cash losses. All of this tends to bewilder the average citizens to such a degree that some of the best of them align themselves against the policy designed for their own protection

Most public properties are administered by a commission serving without pay. A particular commissioner finds himself pressed on all sides by the ardent advocates of bringing in some alleged new business. He is naturally honest but the clamor may blind his judgment and sometimes pressure reaches him because of his affiliations. Once the charge for handling the business has been reduced, it is almost an impossibility to increase it.

Of course, there is the special case of the port which is competing with another port which has formerly decided on the policy of wasteful expenditure of public funds under the guise of port development. Public demands may force the competing city to enter into a similar practice, but no organization of this type is long able to sustain itself, and as a result a job becomes a political plum. It is much easier for a politically minded individual to proclaim loudly the policy of port development while fostering a raid on the public treasury for as much money as the policy may cost.

This condition can be stopped only by the insistence of the Interstate Commerce Commission that port charges be based on the average cost. This has been and is being vigorously pressed by the ports of the Southeast.

OPERATION AT COST IS POSSIBLE

Four years' experience and adherence to a fixed policy of charging what the service costs have demonstrated that it is possible to operate publicly owned rail-water terminal facilities at cost. It is certainly not true that because the public owns a dock it is free to the very few who use it for business purposes. This would be a special privilege of tremendous proportions.

The hardest individual to handle is the wealthy, influential taxpayer who argues that he is entitled to all kinds of service at no cost because he is a large owner or taxpayer in the public property. If he is made to think, he will see that it is to his advantage to enforce the pay-as-you-use policy.

Like other publicly owned facilities, the rail-water terminals need business administration to avoid waste.

Public ownership of rail-water terminal facilities is necessary in order to protect the public interest. Too many ports have failed to realize this until discriminations by railroads have forced them to act. There is no room for doubt that public terminals, honestly managed and with a port policy based on business principles, offer the only possible solution of the problem of what is wrong with any particular port.

The port probably has left its development to the special selfish interests and has been imposed upon. But when purchasing the rail-water facilities to protect the public interest, it is even more wrong to operate them loosely and extravagantly at great public cost.

The average taxpayer, once he is acquainted with the facts, will not willingly foot the bill to make a public dock a free dock.

TAXATION IN THE PROPOSED METROPOLITAN GOVERNMENT OF PITTSBURGH

BY THOMAS H. REED

Director of Research, Metropolitan Plan Commission of Allegheny County, and Professor of Political Science, University of Michigan

Designing a new government for a metropolitan area raises fresh problems of taxation which, however, were sidestepped by the Pennsylvania legislature which permitted no change in the present system of assessment and taxation in Pittsburgh. With respect to these powers the metropolitan city of Pittsburgh is merely the successor of Allegheny County. :: :: :: :: :: :: ::

WITH the creation of metropolitan governments as demanded by new conditions of life in and about our great cities, there comes a new question with regard to taxation, namely the question of the distribution of the cost of metropolitan government.

The constitutional amendment under which Pittsburgh and Allegheny County have been moving towards a consolidated city-county government along federal lines authorizes the legislature to provide in the charter "for the assessment of property for taxation, the levying and collection of taxes, and the payment of the cost of any public improvement, in whole or in part, by special assessment upon abutting and non-abutting property materially benefited thereby, and, for this purpose, real estate so charged shall be classified as urban, suburban and rural, and assessments made in accordance with such classifications."

It is the opinion of several gentlemen learned in the law, who have been consulted with regard to the effect of this section, that the limitation "urban, suburban, and rural" applies only to that portion of the section which relates to special assessments. It is the purpose of this language not to return to the old system of assessing property for general taxation as urban, suburban and rural, against which there were many and serious objections, but merely to provide that large improvement districts must be zoned in accordance with the character of the property and its relation to urban development. If, for example, it is proposed to construct a section of trunk line sewer, ultimately to form part of a sewer system designed for a whole drainage area, it is proper that all parts of the area should bear a portion of the cost of the construction of this particular section.

It is only fair, however, that a distinction be made between the lands to be immediately served, those which might be served within a reasonable time, and those outlying lands with regard to which actual benefit from the sewer would arise only after a considerable lapse of time. It is distinctions of this character which the commission had in mind in framing this particular portion of the amendment. You will note that under the clause quoted, assessments by the district plan are made possible, thus making public improvements on a large scale "financible" by means of benefit assessment. There is another section of the amendment which provides for districts for the purpose of acquiring, constructing, or operating public works and utilities in which the cost is to be borne in proportion to property valuations. Thus, as far as public improvements are concerned, we have provided two strings to our bow,—the benefit assessment plan and the special taxing district plan. You will further observe that the language of the first part of the clause quoted gives the legislature power, in very general terms, to provide for the assessment of property for taxation and the levying and collecting of taxes. We are informed that this language is broad enough to authorize the setting up of a scientific assessment procedure and modern machinery for the levying and collection of taxes.

HOW COSTS MAY BE DISTRIBUTED

Returning now to the question of distribution of the cost of metropolitan government, we find that in the case of special districts, the cost may be apportioned either in accordance with the valuation, population or service. Sometimes two or more of these bases of apportionment are used together. For example, the cities and towns in the Massachusetts Metropolitan District pay with respect to sewerage for interest and sinking fund charges in proportion to taxable valuation, and for maintenance and operation on the basis of population. The water service of the same district is supported, including sinking fund and interest charges, by contributions, one-third of which are proportioned to valuation and two-thirds proportioned to the consumption of water.

Where out and out annexation has been resorted to, complete centralization into a single tax rate, for the whole enlarged municipality usually ensues. It is not uncommon, however, to leave the burden of previously contracted debts where it lay before annexation. In some instances, furthermore, as an inducement to outside areas to submit to annexation, provision has been made for differentials in taxation between the old city and its newly annexed portions. Baltimore, Philadelphia and Pittsburgh are examples of communities in which annexation has been bought at this price. Their experience with differentials have been collected in a study of the metropolitan problem in this country, made by Paul Studensky for a Committee of the National Municipal League and soon to be published by that organization. Baltimore began it as early as 1797.

In connection with the annexation of 1888, Baltimore agreed that property in the annexed district should until 1900 be assessed and taxed at the rate prevailing in 1888, and that after that date there should be no increase except where streets and alleys had been constructed and at least six dwellings erected on each block. This exemption was strengthened by an act of 1902 and modified in 1908 and 1920. At present in the district annexed in 1888 so-called "suburban" property pays two-thirds of the full city rate and "rural" property, that is, property not divided into blocks of less than 300,000 square feet, pays one-third. Property annexed in 1918 however was to pay 60 per cent of the full rate the first year and 2 per cent additional each year. This property is now paying about 80 per cent of the full rate or much more than a great deal of property annexed thirty years before. There has been clever gerrymandering of blocks in Baltimore and some of the best residential developments enjoy the lowest rates.

In the Philadelphia Consolidation Act of 1854, the city council was directed to discriminate between the urban and rural portions of the area so as not to charge the latter with expenses properly belonging to the built-up sections of the city. This was well enough. The distinction has, however, been perpetuated to the present day by the Act of 1868, which established three classes of property, urban, suburban and agricultural, the latter two paying two-thirds and one-half of the full rate respectively. The assessors in determining into which class property falls, class land without improvements as rural, land with streets cut through as suburban, and land for which sewer connections are provided as urban. Only about 5 per cent of the valuation of the city now represents property taxed at the lower rates. There can be little or no justification for continuing even the remnants of such a system within a city like Philadelphia.

A similar distinction in the laws relating to second-class cities was differently applied in Pittsburgh. Agricultural land was there held to be "tracts of several acres either untillable or used mainly for growing agricultural products." Suburban real estate was defined as districts divided into large lots of unequal size, ornamented with lawns, trees, flowers, etc. On the other hand, compactly built-up districts or localities contiguous thereto and laid out into small lots partly built upon and rapidly being sold or improved were treated as urban. There were necessarily many injustices and inequalities in the employment of such distinctions. In 1910, 28 per cent of the valuation was in the suburban and agricultural classes—a situation which doubtless had much to do with the enthusiasm with which the graded tax law of 1913 was received.

DIFFERENTIALS QUESTIONABLE

While I am not at all prepared to admit that differentials in taxation within the same governmental unit are never justified, it is apparent that these differentials, whatever their justification at the time of their establishment, were not scientifically devised and were perpetuated long after any justification for them had passed away. They resulted ultimately in injustices in the distribution of tax burdens, which have given rise to their well-deserved condemnation.

Where municipal federation has been attempted, a portion of the tax burden is, supposedly, centralized and a portion left decentralized. In London, if we leave education out of consideration (the local charges for education are born by the Administrative County), the total expenditures of the county council and the borough councils, including the city of London, are about equal. That is, in the adjustment of functions between the central authority and the local authority, something like a fifty-fifty arrangement was arrived at. The tax-paying capacity, however, of the London boroughs varies greatly. Westminster, with a population of 141,000, had in 1926 a rateable value of over 9,000,000 pounds, whereas the borough of Poplar, with 160,000, had a rateable value of slightly over 1,000,000 pounds. A penny rate will produce 37,000 pounds in Westminster and only 4,000 in Poplar. It is not surprising, therefore, that the Westminster rate for borough council expenses in 1925 and 1926 was eleven pence-half-penny, while the Poplar rate was approximately six shillings and eight pence. The total rate paid in Westminster for all municipal purposes was nine shillings and nine pence; the total rate paid in Poplar, twenty-three shillings. These were the rates paid, however, after the application of an elaborate scheme of equalization. The discrepancy would have been vastly greater if funds had not been created by general taxation throughout the administrative county, out of which the less financially able boroughs and poor law unions receive contributions. It is estimated that 50 per cent of the union expenses and something over 21 per cent of the borough council expenses are thus centralized.

In Greater Berlin, as set up in 1920, the city is divided into twenty administrative districts, each with its own district assembly and its own executive board. The district assemblies prepare and submit through their executive boards, to the executive board of the greater city, a report on the needs of the "municipal arrangements and institutions, which are intended primarily to serve the interests of the administrative districts." These estimates are used as a basis in preparing the municipal budget. Taxation, however, is uniform throughout the greater city, and the municipal assembly of the greater city adopts not only a budget for the greater city itself, but budgets for each of the separate administrative districts. The result is, of course, a complete financial centralization, so complete in fact as pretty well to destroy the federal character of Greater Berlin. The budgets for the administrative districts, in fact, are passed in such great detail as to leave almost no discretion to the district assemblies and executive boards in the matter of expenditure.

BERLIN METHOD NOT APPLICABLE HERE

Since it is proposed in Allegheny County to establish conditions of genuine federalism, the Berlin method is out of the question. No proposal of the sort would stand the slightest chance of adoption. The existing municipal units must be left free to determine their own expenditures and settle their own tax rates for local purposes. The assessment of property for taxation may be centralized and something done to cut down the excessive cost of the collection of taxes, but the local tax rate must be left in the hands of the local community. Under the plan, certain governmental costs will, of course, be centralized; main traffic highways, health, charity, certain police expenditures, etc.

One question immediately arises. Will the local units be able to sustain their local burdens? I think the answer must be "Yes." No such situation exists as that in London. The London boroughs represent, rather definitely, social divisions. Of the one hundred and twenty-three cities, boroughs and townships in Allegheny County, almost none have low valuations in company with large populations and extensive governmental problems. Many of the boroughs are very small—they run down to as low as one hundred and fifty inhabitants—but all of the very small boroughs are purely residential communities with almost negligible governmental problems. When education has been taken care of, and the Pittsburgh metropolitan project does not concern itself with education, they have no difficulty in providing the very simple services which they need. Practically all the boroughs where there is a large working class population center upon some great industrial plant, the taxation of which affords rather ample revenue. The problem which confronts us is not how to enable the boroughs to finance their local governments, but how to enable the townships, especially those of the second class, to bear the burden of increased county or metropolitan taxation. Approximately half of the 484,000 acres of county area is agricultural land. Most of it lies at considerable distances from the Golden Triangle. The London boroughs and the Berlin administrative districts are all urban in their character; have similar forms of government; possess identical powers and perform functions, which, if not identical, may be fairly set off against one another. Metropolitan Pittsburgh, or Allegheny County, has one second-class city, three third-class cities, sixty-six boroughs, twenty-six townships of the first class and twenty-nine townships of the second class.

Even this formidable enumeration does not tell the whole story. There is greater diversity between the large boroughs, which in some instances are larger than many third-class cities, and the numerous small hamlets, which have from time to time been incorporated. There is great diversity too in activities among the first-class townships. Let us consider, for a moment, the effect of this situation on taxation. The metropolitan government may become the authority for main highways throughout the whole consolidated city. This means the transfer of the cost of constructing and maintaining of the principal through-traffic streets of the boroughs and cities, to the county in its new guise of a Metropolitan City. But in the townships the main roads are already maintained by the county. To increase the county taxes paid by the townships to pay for caring for the main traffic streets of the cities and boroughs would be, under these circumstances, something of an injustice, except to the degree that compensating advantages are conferred upon them. In any proposals for the establishment of differentials in taxation as between the different sorts of governments within Allegheny County, you will realize that we are not attempting to favor one class of population or one kind of property against another, but are merely trying to adjust taxation as between units of government of varying kinds and functions.

THE GRADED TAX SYSTEM

Reference has already been made to the amplitude of the grant of power in the amendment with regard to methods of taxation, and there is, I have no doubt, some speculation on the part of those interested in tax reform as to what may be done in this regard. This is particularly so because of the fact that the city of Pittsburgh has now, for some years, employed a system of taxation known as the graded tax which has excited a great deal of interest throughout the country. Under this graded tax law, land and buildings are assessed for taxation as usual, but the rate of taxation on buildings is only one-half that on land. This act was passed in

1913, and provided for the gradual reduction of the rate of taxation on land until the present proportion was reached in 1925. The present rate is twenty-five mills on land and twelve and one-half mills on buildings. As the valuations of the land and buildings are approximately equal, this means that buildings pay approximately one-third and land two-thirds of the cost of the city government. The graded tax law is supported by the "single taxers," and by a multitude of others who, while not adopting the theory of the single tax, believe that there is encouragement to community development in the diminished taxation on buildings.

There can be no doubt that such a system puts a premium upon the use of land. This fact is very evident in Pittsburgh. One would be rash to ascribe the building activity now going on in the Golden Triangle to this cause. Similar developments are common enough in growing cities where the graded tax principle is not employed. But there is obvious also a strong tendency to break up the large estates with which the well-to-do formerly surrounded their homes and to cover the vacant lots with "taxpayers." You can form your own opinion of the general social value of such results. You will agree with me, however, I am sure, that a well-devised and well-enforced zoning ordinance is essential for the direction of this accelerated impulse to build.

Theoretically the graded tax should tend to bring about the maximum development of each piece of land within the city. This tendency, however, is counteracted by other economic forces. One of these is lack of capital on the part of landowners. The other is the nature of the demand for buildings which may have no relation to the number of buildings offered. The effect of these forces taken together has been to produce a multitude of small houses, one-story store buildings, and the like. It may even be suspected that Pittsburgh has for the moment, at any rate, been over-supplied with such buildings through the zeal of landowners to escape as best they may the heavy taxation on their land.

The relative assessed valuation of land and buildings has undergone a decided change since 1920. In the past fourteen years land has increased in valuation a scant 17.7 per cent, while building valuations have gone up 89.8 per cent. I cannot conscientiously even attempt to interpret these figures. Some will see in them the result of building activity stimulated by the graded tax. Some will see in it the natural reaction of assessors to the lower rate of buildings. One thing is plain enough, however, that buildings which paid one-third of the taxes in 1914 pay one-third of the taxes in 1928. Will the movement stop here or go on? I have been assured that the graded tax is popular in Pittsburgh by persons whose veracity I would not question. So far as my own inquiries have gone, however, it seems to be a matter of whether one owns a large lot and a small house or a small lot and a large house. Under the terms of the metropolitan plan amendment, Pittsburgh will be free to continue her experiment with graded taxation within the present city limits. There can be little doubt that this is desirable. No one would wish to interrupt such a trial within three years of its full application.

THE BONDED DEBT OF 241 CITIES

AS AT JANUARY 1, 1929

BY C. E. RIGHTOR

Chief Accountant, Detroit Bureau of Governmental Research, Inc.

Mr. Rightor again contributes his annual statistics of municipal debt. They are becoming a national institution. :: :: :: ::

The accompanying tabulation reports the total gross bonded indebtedness as at January 1, 1929, of 228 cities in the United States and 13 cities in Canada, and a subdivision of this total into general public improvements, schools, and utilities; the total sinking fund, with a similar subdivision reported in percentages; the net total bonded debt; the net bonded debt to be retired from taxation (reported as "excluding self-supporting indebtedness"), total and per capita; and total gross special assessment debt.

It will be apparent that the nature of the data presented is unchanged from that of previous compilations. The cities are arranged in the order of the population estimates of the Census Bureau as at July 1, 1928; where no such estimate was available, the local estimate was used. As in former years, debt in the form of temporary loans and current accounts is omitted.

The primary purpose of the table is to indicate the total amount of bonded debt outstanding as a liability against all the property and citizens of each city, and to permit of a comparison of these data currently and in summary form. Such indebtedness includes not only the bonds issued by the city, but also, where necessary because of the various types of municipal organization, the bonds of the school district, metropolitan forest, park, port, sewer and other districts having independent bonding authority, and which are coterminous, or nearly so, with the city. Deviations from this procedure are indicated in the footnotes.

In theory, a complete picture of the debt outstanding against the taxable property of any city would require inclusion of a portion of the county debt, according to the relative proportion of assessed valuation, and also some portion of the state debt. Except in those cases where the city and county government are unified, however, the county debt is omitted, and the state burden is not taken into consideration in any instance, owing to the difficulty of compilation While state debt is a liability of the total property, it is not unusual to provide for revenues from other than taxation for its retirement.

Municipal debt, on the other hand, is definitely a direct property burden, and is retired only through tax levies. The only exception is in the case of certain municipally owned and operated utilities, the revenues of which are applied to debt service. To give an accurate picture of this condition, the table includes a separate column entitled "net debt excluding self-supporting." The per capita net debt reported, therefore, is for only such portion of the indebtedness as must be retired from direct property taxation. Even here a difficulty arises, in that in a few instances it is found that the city with a revenue-producing utility may provide that such debt shall be retired by taxes in the regular course. This is only an example of the diverse financial practices consequent upon municipal home rule, and one argument against municipal ownership. Whether the debt is retired from taxes is the only guiding factor, however, in compiling this column.

SPECIAL ASSESSMENT DEBT

Following last year's compilation, special assessment debt is included so far as reported. As stated then, the aggregate debt burden upon the entire property valuation of the city is believed to be more accurately indicated when special assessment debt is included. This is due to the fact that in some cities this means of financing is widely availed of for financing improvements which in other cities are financed through general faith and credit bonds. In Massachusetts, there is no special assessment debt; in California, there is a plethora.

In usual practice, it is accepted that special assessment bonds are issued upon the faith and credit of only the property in the benefited district, rather than of the entire city. While this may be evidenced even in the bond itself, the theory is largely fatuous. It is believed that few cities, if any, today, would permit such bonds to default. Cities are essentially stable and permanent, and are not wont to jeopardize their credit. More than that, we can rely upon the honesty of purpose of the citizens to meet their municipal obligations. The only result of limited district bonds is to make the borrowers pay an unnecessarily high rate of interest. With the growing demand for improvements, and for new sources of revenue to finance them, a wider use of special assessments is being resorted to, which, in turn, is straining the theory of provable benefit. As past experience is availed of to develop new principles of levying special assessments, the extent of this form of debt will increase. It is interesting to observe, in this connection, that while the city is the fiscal agent for such debt, in some cases the financial control necessary to report the status of the debt is beyond the fiscal officer.

It should be noted that the special assessment debt is not included in the per capita net debt reported, owing to the varying practices affecting special assessments and incomplete reports of the amount.

SUMMARY DATA ONLY

A summary tabulation has limited uses. In comparing the debt conditions of any two cities, the detailed facts concerning each should be considered. It must be borne in mind that state laws, rather than a universally uniform procedure, govern public borrowing and reports thereof. Varying definitions of indebtedness, and varying political units to be included, are encountered. Minneapolis, for example, now issues only general city bonds, without designation as to purpose other than "permanent improvement construction." In the Chicago sanitary district, on the other hand, several bond issues were declared illegal because the specific purposes were not given. Philadelphia includes authorizations with its outstanding debt, even though the bonds are not yet sold. In some cities the sinking fund record is not kept by purposes. These illustrations indicate the difficulty of tabulating the data, though only a single purpose is in view. Attempt is made to present the figures in the most nearly uniform manner possible for comparison.

RANGE IN PER CAPITA DEBT

Analysis of the figures of total net debt, excluding self-supporting, shows that the city having the lowest per capita debt is Moline, $4.27. The highest per capita city is St. Petersburg, $207.24. This is exclusive of Washington, which has no bonded debt. For the Canadian cities, the range is from $44.24 for St. John, to $264.03 for Edmonton.

The weighted average of the per capita net non-self-supporting debt for the census group I cities is $103.37, and exclusive of New York, $97.08. For the other census groups the weighted average is: group II, $87.45; group III, $78.10; group IV, $69; and group V, $57.78. For the Canadian cities, this average is $116.10, which compares with $130.60 in 1928.

These figures are of particular interest in support of the general assumption that debt increases with population. This assumption is verified in the Census Bureau's "Financial Statistics of Cities: 1926," which reports a range in net debt from an average of $70.13 for group V cities to $154.20 for the group I cities, self-supporting debt not being deducted. The Census Bureau figures show also that the per capita net debt is increasing definitely with time, having grown from $44.71 in 1903 to $128.13 in 1926, for 146 comparable cities.

A reasonable amount of debt per capita cannot be arbitrarily determined. It seems as though a city of from 30,000 to 100,000 having a net debt of $100 per capita has not an excessive debt, although circumstances might justify a larger amount. This figure should include the debt of all overlapping districts, in due proportion.

RELATION TO ASSESSED VALUATION

Inasmuch as taxable property must assume the burden of amortizing the debt, and the legal limit of indebtedness is usually stated in percentage of valuation, it may be enquired why the table does not report the debt upon a basis of $1,000 assessed valuation. It will be clear upon reflection, however, that this would be difficult due to variations in the relation of assessed to true valuation in various cities. For those interested in such analysis, it may be stated that the assessed valuations were reported in the comparative tax rate compilation published in the REVIEW of December, 1928, and further, that the ratio of assessed to true value, according to the best estimates, was included.

TREND OF INDEBTEDNESS

The report from year to year upon the trend of municipal debt results only in a repetition of the finding that it is definitely upward. Comparison of the 1929 figures herewith with those of one year ago shows a gradual increase. Of ten comparable cities in group I (excluding New York, Los Angeles, Washington and Pittsburgh), the increase in total gross debt was $146,010,928, or a per capita increase of $12.40. Of the ten cities, nine had an increase and Cleveland alone a reduction. Los Angeles is omitted from the comparison because of the different method followed this year in reporting the city's portion of the county school and flood prevention debt.

Of the nine comparable cities in group II, six report an increase, and Newark, Jersey City, and Toledo, a reduction. New Orleans, Seattle and Portland are not included in the comparison as they were not in the group figures for 1928. The total gross debt of this group of cities increased $7,622,425, or a per capita of $2.23, over one year ago.

The trend of debt in the Canadian cities is highly interesting, as a contrast to the condition just reported. Of twelve cities comparable 1929 with 1928, five show a reduction in total gross debt during the year of $22,734,-

000, while the other seven show an increase of $9,145,000. This means a net reduction of $13,589,000, or a per capita of $5.81.

SINKING FUNDS VS. SERIAL BONDS

An attempt was made to ascertain the figures showing the proportion of the total debt which is represented by sinking fund bonds and the portion by serial bonds. In general, it may be stated that the preponderance rests with serial bonds. The classification was not always furnished, however, and it becomes a question of definition in some instances as to whether a certain issue is a serial or a sinking fund bond. This is particularly true in the case of so-called deferred serials, where the first year of payment is extended beyond three years, or in case the maturity dates are intermittent. The most that can be concluded, therefore, is that the trend is toward the serial type of bond. This is due in part to mandatory legislation in some states. Whether such legislation results in an economy to the cities, however, with the money market as it has been during the past several months, is questionable. But in any event, it assures definite and certain retirement of the outstanding bonds.

The total amount of state and municipal bonds issued during the year 1928 is reported by the *Bond Buyer* to have been $1,382,304,635, or $95,000,000 less than during 1927. Of the total, municipal issues probably comprised 60 per cent. The flotations would have exceeded the prior year's figures except for high money rates, which led many cities to resort to short-term financing and defer their capital issues. While the rates on money advanced during 1928, the bond prices as a whole declined a relatively small amount, and as late as December, Boston issued 20-year serials to cost the city slightly less than 4 per cent. This stable condition is due to the intrinsic merits of the municipal bond as an investment. A good municipal bond, being wholly tax-exempt, ranks among the best of securities, not excepting our national government issues, which are taxable when held in quantities.

If any justification were needed for this gradual expansion in city debt it would be in the discerning ability of the people to approve the authorizations for needed public works. Again quoting the *Bond Buyer*, it is found that during 1928 the voters approved $783,412,000, a large amount over any previous year, and at the same time they disapproved a much larger amount than in any other year, $536,889,610. Voters in Chicago defeated large bond issues upon two occasions, probably because of lack of confidence in their officials rather than opposition to the improvements, some of which were under way. It might be concluded from these statistics that the increasing debt burden in our cities rests more with the voters than with the public officials. Even those in the federal government who clamored for the "same degree of economy in local government as obtains in the federal government" must cease the cry, now that the latter has reached its lowest point of appropriations and finds itself upon the upgrade.

GROWING INTEREST IN DEBT

That cities are concerning themselves more intensively with debt policies as their debt mounts is evidenced in several ways. Controller Berry, of New York, for example, finds his city increasing its debt at the rate of over a hundred million dollars annually, so that it is carrying an interest burden of seventy-five millions. And there is no let-up in demands, but instead, the city is confronted with an immediate building program of $167,000,000, exclusive of subways. The controller suggests that bond issues in any one year be limited to the redemptions of that year, and that only self-supporting improvements be financed by long-term bonds. The latter is an argument for pay-as-you-go policy, which is being given more attention in many cities. Further, cities are giving more thought to long-term financial planning, and to possible new sources of revenue as a relief to borrowing.

This is the seventh annual compilation of city debt. Requests for data were sent to 286 cities in the United States and 18 in Canada. The gratifying response of the public officials who have replied is appreciated, as only through their coöperation is the compilation possible. With the 1930 census figures available next year, it is hoped that even a larger response will be felt justified, as undoubtedly the exact status of bonded debt will be of widespread interest.

BONDED DEBT OF 241 CITIES AS AT JANUARY 1, 1929

Compiled by the Detroit Bureau of Governmental Research, Inc.

From Data Furnished by Members of the Governmental Research Association, City Officials, and Chambers of Commerce

City	Census July 1, 1928	Gross Bonded Debt				Sinking Fund				Net Bonded Debt			Total gross special assessment debt
		General improvement	Public school	Public utility	Total	Total	General improvement (per cent)	Public school (per cent)	Public utility (per cent)	Total	Excluding self-supporting	Per capita excluding self-supporting	
Group I *Population 500,000 and over*													
1. New York, N. Y.[1]	6,017,500	$621,195,644	$301,374,496	$901,781,809	$1,824,351,949	$349,707,640	59	..	41	$1,474,644,309	$714,853,244	$118.80	$83,959,000
2. Chicago, Ill.[2]	3,157,400	246,988,400	N.	8,080,000	255,068,400	N.	..	..	..	255,068,400	255,068,400	80.78	N.
3. Philadelphia, Pa.[3]	2,064,200	466,159,600	64,386,000	....	530,545,600	113,749,543	85	15	..	416,796,057	356,796,057	172.85*	N.
4. Detroit, Mich.[4]	1,378,900	119,671,118	67,364,350	80,181,114	267,216,582	26,150,816	39	32	29	241,065,766	184,653,303	133.91	....
5. Los Angeles, Calif.[5]	1,300,000	34,969,175	48,183,156	105,950,850	189,103,181	5,663,812	N.	44	56	183,439,369	103,098,945	79.31	N.
6. Cleveland, Ohio[6]	1,010,300	77,020,150	28,867,000	33,082,500	138,969,650	17,675,565	..	17	83	121,294,085	102,907,150	101.86	17,049,981
7. St. Louis, Mo.	848,100	46,928,000	2,219,000	11,051,000	60,198,000	13,128,136	83	6	11	47,069,864	37,418,742	44.12	N.
8. Baltimore, Md.[7]	830,400	117,423,250	22,430,423	30,380,370	170,234,043	33,164,044	88	3	9	137,069,999	111,619,312	134.42	....
9. Boston, Mass.[8]	799,200	79,868,201	11,333,300	53,492,700	144,694,201	44,933,879	63	15	22	99,760,322	56,238,538	70.37	....
10. Pittsburgh, Pa.	673,800	51,998,900	21,906,950	10,453,000	84,358,850	2,983,262	42	52	6	81,375,588	71,117,493	105.55	3,985,386
11. San Francisco, Calif.[9]	585,300	24,092,500	15,675,000	51,902,000	91,669,500	N.	..	..	..	91,669,500	39,767,500	67.94	354,000
12. Buffalo, N. Y.	555,800	47,215,945	27,224,810	17,213,270	91,654,026	7,224,812	41	..	59	84,429,214	71,464,749	128.57	4,294,228
13. Washington, D. C.	552,000	No bonded	debt										
14. Milwaukee, Wis.[10]	544,200	35,907,550	8,972,750	75,000	44,955,300	3,339,250	78	1	21	41,616,050	41,556,050	76.36	N.
Group II *Population 300,000 to 500,000*													
15. Newark, N. J.	473,600	$41,497,500	$18,169,200	$17,762,000	$77,428,700	$14,103,714	55	25	20	$63,324,986	$48,388,751	$102.17	$8,050,000
16. Minneapolis, Minn.[11]	455,900	22,504,077	22,223,923	4,381,500	49,109,500	5,169,872	60	34	6	43,939,628	39,872,218	87.46	13,643,603
17. New Orleans, La.[12]	429,400	44,367,500	3,865,000	45,516,000	93,748,500	1,488,024	..	3	97	92,260,476	48,192,788	112.23	....
18. Cincinnati, Ohio[13]	413,700	55,928,349	15,405,500	43,394,231	114,728,080	36,878,540	60	7	33	77,849,540	46,793,683	113.11	3,982,908
19. Kansas City, Mo.[14]	391,000	19,355,355	21,519,000	13,120,000	53,994,355	11,542,842	32	49	19	42,451,513	31,461,399	80.46	700,000
20. Seattle, Wash.[15]	383,200	19,503,500	9,964,000	39,801,500	69,269,000	3,388,133	100	..	..	65,880,867	26,079,367	68.06	22,628,288
21. Indianapolis, Ind.	382,100	15,183,690	11,221,000	N.	26,404,690	1,428,170	88	12	..	24,976,520	24,976,520	65.37	8,695,803
22. Portland, Ore.[16]	340,000	24,396,402	9,099,475	18,637,000	52,132,877	6,277,893	49	..	51	45,854,984	30,402,356	89.42	7,151,350
23. Louisville, Ky.[17]	329,400	20,815,400	6,966,400	1,079,000	28,860,800	4,298,482	80	10	10	24,562,318	23,894,564	72.54	N.
24. Rochester, N. Y.	328,200	23,717,000	10,579,030	12,220,500	46,516,530	5,816,284	26	10	64	40,700,246	32,202,061	98.12	11,221,500
25. Jersey City, N. J.[18]	324,700	17,360,000	13,248,000	19,856,755	50,464,755	19,188,250	69	8	23	31,276,505	15,893,737	48.95	980,833
26. Toledo, Ohio	313,200	24,569,912	12,679,000	1,878,000	39,126,912	6,230,623	82	18	..	32,896,289	31,018,289	99.04	2,035,783
Group III *Population 100,000 to 300,000*													
27. Columbus, Ohio[19]	299,000	$19,923,700	$11,206,250	$9,583,700	$40,712,950	$16,142,922	80	20	..	$24,570,028	$19,164,535	$64.10	....
28. Denver, Colo.[20]	294,200	14,113,600	10,115,000	21,573,600	45,801,200	362,221	40	..	60	45,438,979	24,082,182	81.86	$9,565,700
29. Providence, R. I.	286,300	16,793,000	7,300,000	19,413,000	43,506,000	14,852,521	50	15	35	28,653,479	14,491,755	50.62	N.
30. Oakland, Calif.[21]	274,100	5,174,580	15,129,773	43,912,337	64,216,690	N.	..	..	..	64,216,690	20,304,353	74.08	....
31. St. Paul, Minn.[22]	260,000	13,259,000	9,546,000	7,450,000	30,255,000	3,369,129	76	..	24	26,885,871	20,248,771	77.88	7,900,000

BONDED DEBT OF 241 CITIES AS AT JANUARY 1, 1929—*Continued*

City	Census July 1, 1928	Gross Bonded Debt				Sinking Fund				Net Bonded Debt			Total gross special assessment debt
		General improvement	Public school	Public utility	Total	Total	General improvement (per cent)	Public school (per cent)	Public utility (per cent)	Total	Excluding self-supporting	Per capita excluding self-supporting	
GROUP III—*Continued* *Population 100,000 to 300,000*													
32. Atlanta, Ga.	255,100	$6,906,000	$5,515,000	$3,618,000	$16,039,000	$3,357,421	74	5	21	$12,681,579	$9,786,133	$38.36	$2,706,000
33. Akron, Ohio	225,000	21,810,319	7,551,581	10,484,000	39,845,900	1,730,877	23	20	57	38,115,023	28,619,253	127.20	6,162,568
34. Omaha, Nebr.[23]	222,800	14,344,317	10,653,250	11,392,000	36,389,567	5,163,103	12	16	72	31,226,464	23,559,143	105.74	6,370,500
35. Birmingham, Ala.	222,400	7,043,500	9,647,000	101,500	16,792,000	1,287,644	..	..	..	15,501,356	15,402,856	69.26	4,778,000
36. San Antonio, Texas	218,100	18,365,000	3,368,750	6,838,000	28,841,750	1,045,691	57	34	9	27,796,059	21,055,740	96.54	....
37. Dallas, Texas	217,800	(Not	reporting)										
38. Syracuse, N. Y.	199,300	12,383,610	9,412,760	5,593,125	27,389,495	N.	..	..	..	27,389,495	21,796,370	109.36	3,550,000
39. Worcester, Mass.	197,600	5,640,500	756,000	5,366,600	11,763,100	2,957,010	48	..	52	8,806,089	4,987,338	25.24	....
40. Richmond, Va.[24]	194,400	23,737,685	5,155,395	7,363,550	36,256,630	9,404,940	68	13	19	26,851,690	21,281,764	109.47	N.
41. Memphis, Tenn.	190,200	16,010,500	5,183,000	6,171,000	27,364,500	1,083,915	47	53	..	26,280,585	20,109,585	105.73	649,000
42. New Haven, Conn.	187,900	11,865,000	430,000	N.	12,295,000	1,066,772	100	..	..	11,228,228	11,228,228	59.76	N.
43. Dayton, Ohio[25]	184,500	10,427,009	7,577,000	7,336,000	25,340,009	2,793,104	80	..	20	22,546,905	15,778,715	85.52	1,593,459
44. Norfolk, Va.[26]	184,200	20,002,266	3,525,175	15,951,059	39,478,500	6,686,584	83	..	17	32,791,916	17,989,910	97.67	N.
45. Youngstown, Ohio	174,200	6,131,061	3,853,708	1,040,000	11,024,769	1,631,692	78	19	3	9,393,077	8,401,574	48.23	1,870,321
46. Hartford, Conn.	172,300	7,804,481	10,731,500	4,805,000	23,340,981	3,409,825	56	24	20	19,931,156	15,809,405	91.76	....
47. Houston, Texas	171,000	(Not	reporting)										
48. Fort Worth, Texas	170,600	12,630,000	4,924,500	5,596,000	23,150,500	2,577,447	46	26	28	20,573,053	15,703,474	92.05	N.
49. Tulsa, Okla.	170,500	(Not	reporting)										
50. Grand Rapids, Mich.	164,200	5,477,000	5,083,000	3,873,000	14,433,000	1,769,407	50	..	50	12,663,593	9,682,208	58.97	6,486,400
51. Bridgeport, Conn.	160,000	10,507,000	4,301,000	N.	14,808,000	N.	..	..	..	14,808,000	14,808,000	92.55	....
52. Miami, Fla.[27]	156,700	19,056,000	7,380,800	3,341,000	29,777,800	2,906,550	87	9	4	26,871,250	23,647,900	150.91	2,916,000
53. Des Moines, Iowa	151,900	5,443,032	8,116,500	5,450,000	19,009,532	459,645	1	..	99	18,549,887	13,553,679	89.23	....
54. Springfield, Mass.	149,800	8,263,600	2,740,900	3,121,000	14,125,500	168,977	100	..	..	13,956,523	10,835,523	72.33	N.
55. Flint, Mich.	148,800	6,378,500	9,003,500	2,983,500	18,365,500	995,907	27	18	55	17,369,593	14,929,283	100.33	2,165,961
56. Oklahoma City, Okla.	148,000	12,891,000	5,436,400	6,667,000	24,994,400	6,156,753	42	22	36	18,837,647	14,374,897	99.14	5,270,306
57. Paterson, N. J.[28]	144,900	7,264,364	7,989,500	4,548,288	19,802,152	2,524,814	64	36	..	17,277,338	12,729,050	87.85	707,000
58. Scranton, Pa.	144,700	2,438,000	5,165,000	N.	7,603,000	754,900	20	80	..	6,848,100	6,848,100	47.33	983,127
59. Jacksonville, Fla.	140,700	(Not	reporting)										
60. Nashville, Tenn.[29]	139,600	10,474,000	1,835,000	3,728,000	16,037,000	949,717	62	38	..	15,087,283	11,359,283	81.37	2,325,000
61. Trenton, N. J.	139,000	(Not	reporting)										
62. Salt Lake City, Utah	138,000	2,984,500	3,409,000	2,807,700	9,201,200	....	..	..	..	9,201,200	6,393,500	46.33	....
63. Camden, N. J.	135,400	7,359,325	4,386,500	1,302,775	13,048,600	2,467,449	70	21	9	10,581,151	9,503,556	70.19	3,161,000
64. Erie, Pa.	130,000	4,289,000	4,132,000	....	8,421,000	652,360	100	..	..	7,768,640	7,768,640	59.76	2,124,126
65. Wilmington, Del.[30]	128,500	5,877,600	1,170,000	4,064,000	11,111,600	590,248	97	3	..	10,521,252	6,457,252	50.25	N.
66. Cambridge, Mass.[31]	125,800	4,090,950	....	407,500	4,498,450	3,269,513	88	..	12	1,228,937	1,218,786	9.69	N.
67. Fall River, Mass.	124,300	7,549,000	3,306,500	1,150,000	12,005,500	1,921,797	53	3	44	10,083,703	9,775,668	78.64	N.
68. Yonkers, N. Y.	121,300	11,713,430	8,651,390	2,795,250	23,160,070	N.	..	..	..	23,160,070	20,364,820	167.89	1,552,000
69. Albany, N. Y.[32]	120,400	14,219,263	4,496,270	4,332,500	23,048,033	1,788,118	89	..	11	21,259,915	17,130,689	142.28	....
70. San Diego, Calif.[33]	119,700	4,460,916	5,334,000	9,853,709	19,648,625	126,702	..	..	..	19,521,923	9,668,214	80.77	....
71. New Bedford, Mass.	119,040	7,699,000	3,207,000	1,240,000	12,146,000	800,616	92	2	6	11,345,384	10,153,384	85.29	N.
72. Kansas City, Kan.	118,300	(Not	reporting)										

BONDED DEBT OF 241 CITIES AS AT JANUARY 1, 1929—*Continued*

City	Census July 1, 1928	Gross Bonded Debt				Sinking Fund				Net Bonded Debt			Total gross special assessment debt
		General improvement	Public school	Public utility	Total	Total	General improvement (per cent)	Public school (per cent)	Public utility (per cent)	Total	Excluding self-supporting	Per capita excluding self-supporting	
GROUP III—*Continued* *Population 100,000 to 300,000*													
73. El Paso, Texas	117,800	$3,389,000	$2,379,000	$1,459,000	$7,227,000	$1,252,702	47	34	19	$5,974,298	$4,747,437	$40.30	$657,000
74. Duluth, Minn.[34]	116,800	4,288,667	4,125,000	3,257,000	11,670,667	N.	..	..	..	11,670,667	8,413,667	72.03	564,000
75. Canton, Ohio	116,800	6,087,390	6,709,000	1,542,637	14,339,027	3,228,361	74	18	8	11,110,666	9,833,898	84.19	3,087,584
76. Elizabeth, N. J.	116,000	1,554,500	4,235,350	N.	5,789,850	511,557	..	..	..	5,278,293	5,278,293	45.50	5,364,250
77. Reading, Pa.	115,400	(Not	reporting)										
78. Tampa, Fla.[35]	113,400	8,428,500	5,247,000	3,062,000	16,737,500	1,748,675	90	3	7	14,988,825	11,973,516	105.59	4,506,000
79. Lowell, Mass.	111,000	3,442,660	1,484,250	216,750	5,143,660	N.	..	..	..	5,143,660	4,926,910	44.39	....
80. Tacoma, Wash.[36]	110,500	4,913,500	2,482,000	7,061,507	14,457,007	2,829,988	100	..	..	11,627,019	4,565,512	41.32	2,212,508
81. Spokane, Wash.[37]	109,100	3,048,200	2,141,000	1,662,000	6,851,200	2,194,075	34	50	16	4,657,125	3,336,920	30.59	1,588,473
82. Long Beach, Calif.[38]	108,000	7,663,776	6,712,964	5,513,000	19,889,740	21,000	100	..	..	19,868,740	14,355,740	132.92	N.
83. Lynn, Mass.	105,500	3,138,100	2,330,000	1,237,500	6,705,600	654,609	21	14	65	6,050,991	5,236,153	49.63	N.
84. Knoxville, Tenn.[32]	105,400	12,860,205	2,384,000	4,712,277	20,776,482	970,858	..	..	..	19,805,624	15,093,348	143.20	2,881,561
85. Fort Wayne, Ind.	105,300	677,000	3,863,000	130,000	4,670,000	N.	..	..	..	4,670,000	4,540,000	43.11	....
86. Utica, N. Y.	101,200	7,534,852	1,895,487	N.	9,430,339	1,261,032	..	..	..	8,169,307	8,169,307	78.40	1,137,678
87. Somerville, Mass.	102,700	447,000	1,897,000	N.	2,344,000	N.	..	..	..	2,344,000	2,344,000	22.82	N.
88. Waterbury, Conn.	100,000	(Not	reporting)										
GROUP IV *Population 50,000 to 100,000*													
89. Savannah, Ga.[50]	99,900	$4,705,000	....	$230,000	$4,935,000	$202,000	..	..	..	$4,733,000	....	......	....
90. Hamtramck, Mich.[39]	99,800	2,232,370	$2,871,500	361,000	5,464,870	421,622	72	28	..	5,043,249	$4,682,249	$46.92	$511,968
91. Allentown, Pa.	99,400	3,292,500	3,525,400	66,200	6,884,100	901,922	19	79	2	5,982,178	5,935,306	59.71	516,200
92. Wichita, Kan.	99,300	3,879,294	1,571,100	N.	5,450,394	100,263	..	100	..	5,350,131	5,350,131	53.88	3,626,751
93. Evansville, Ind.	98,100	2,120,300	2,562,200	862,000	5,444,500	130,418	100	..	..	5,314,082	4,552,082	46.40	....
94. Bayonne, N. J.	95,300	4,348,240	3,976,400	4,176,753	12,501,393	1,294,344	41	58	1	11,207,049	7,036,698	73.84	476,369
95. Lawrence, Mass.	93,500	3,095,750	1,436,500	284,000	4,816,250	32,390	..	..	100	4,783,860	4,532,250	48.47	....
96. Schenectady, N. Y.	93,300	4,892,170	2,485,300	818,000	8,195,470	81,483	94	..	6	8,113,987	7,300,526	78.25	1,939,095
97. Wilkes-Barre, Pa.	91,900	3,111,000	675,000	N.	3,786,000	53,693	100	..	..	3,732,037	3,732,037	40.61	550,100
98. Gary, Ind.	89,100	1,845,000	3,434,000	N.	5,279,000	156,560	100	..	..	5,122,440	5,122,440	57.50	....
99. Harrisburg, Pa.	86,900	5,351,800	3,983,500	N.	9,335,300	501,588	20	80	..	8,833,712	8,833,712	101.65	519,200
100. Highland Park, Mich.[39]	86,400	2,868,400	4,945,000	1,306,626	9,120,026	2,346,631	51	49	..	6,773,395	5,466,769	63.27	461,825
101. South Bend, Ind.	86,100	980,000	3,395,000	990,000	5,365,000	224,607	83	..	17	5,140,393	4,187,632	48.64	N.
102. Manchester, N. H.	85,700	2,973,167	1,905,333	126,000	5,004,500	150,000	100	..	..	4,854,500	4,728,500	55.18	....
103. Peoria, Ill.	84,500	254,000	443,000	N.	697,000	N.	..	..	..	697,000	697,000	8.25	1,652,817
104. Rockford, Ill.	82,800	522,900	1,225,000	300,000	2,047,900	251,500	40	40	20	1,796,400	1,546,400	18.68	3,972,470
105. Charlotte, N. C.	82,100	4,168,934	1,896,000	1,477,554	7,542,488	172,604	100	..	..	7,369,884	5,892,330	71.77	2,136,512
106. Shreveport, La.	81,300	3,455,800	2,380,000	2,895,000	8,730,800	52,000	52	48	..	8,678,800	5,783,800	71.14	N.
107. Sioux City, Iowa	80,000	2,015,000	1,865,000	50,000	3,930,000	596,748	41	57	2	3,333,252	3,293,252	41.17	56,600
108. Winston-Salem, N. C.[40]	80,000	11,180,138	2,308,000	3,342,862	16,831,000	273,022	100	..	..	16,557,978	13,215,116	165.19	4,928,000
109. Lansing, Mich.[41]	79,600	1,000,000	5,400	4,864,900	5,870,300	1,094,737	13	..	87	4,775,563	865,974	10.88	1,036,000
110. Little Rock, Ark.	79,200	1,839,000	1,965,500	N.	3,804,500	24,267	100	..	..	3,780,233	3,780,233	47.73	5,750,000*

BONDED DEBT OF 241 CITIES AS AT JANUARY 1, 1929—*Continued*

City	Census July 1, 1928	Gross Bonded Debt				Sinking Fund				Net Bonded Debt			Total gross special assessment debt
		General improvement	Public school	Public utility	Total	Total	General improvement (per cent)	Public school (per cent)	Public utility (per cent)	Total	Excluding self-supporting	Per capita excluding self-supporting	
GROUP IV—*Continued* *Population 50,000 to 100,000*													
111. Portland, Me.	78,600	(Not	reporting)										
112. St. Joseph, Mo.	78,500	(Not	reporting)										
113. Charleston, S. C.[42]	75,900	$4,805,000	$543,000	$4,000,000	$9,348,000	$657,050	17	18	65	$8,690,950	$5,115,955	$67.40	$2,187,000
114. Sacramento, Calif.	75,700	5,227,540	5,367,000	3,228,250	13,822,790	N.	..	..	..	13,822,790	10,594,540	139.95	2,753,190
115. Saginaw, Mich.	75,600	(Not	reporting)										
116. Binghamton, N. Y.	74,800	3,401,500	3,503,775	85,000	6,990,275	221,238	100	..	..	6,769,037	6,684,037	89.36	N.
117. Racine, Wis.	74,400	1,482,000	2,324,000	1,030,000	4,836,000	276,000	..	..	..	4,560,000	3,530,000	47.45	....
118. Chester, Pa.	74,200	3,159,000	1,835,000	N.	4,994,000	1,335,727	51	49	..	3,658,273	3,658,273	49.30	420,700
119. East St. Louis, Ill.[43]	74,000	2,598,000	675,000	N.	3,273,000	168,272	100	..	..	3,104,728	3,104,728	41.96	2,500,000
120. Johnstown, Pa.	73,700	4,773,500	4,630,000	N.	9,403,500	466,894	..	100	..	8,936,606	8,936,606	121.26	....
121. Chattanooga, Tenn.	73,500	7,726,700	2,393,500	N.	10,120,200	279,524	100	..	..	9,840,676	9,840,676	133.89	254,447
122. Terre Haute, Ind.	73,500	(Not	reporting)										
123. Pawtucket, R. I.[31]	73,100	8,888,000	....	2,395,000	11,283,000	2,763,051	70	..	30	8,519,949	6,964,642	95.28	....
124. Springfield, Ohio	73,000	1,661,250	1,422,492	610,000	3,693,742	846,935	89	11	..	2,846,807	2,236,807	30.64	1,062,149
125. New Britain, Conn.	72,800	2,531,000	3,253,000	1,265,000	7,049,000	625,796	48	24	28	6,423,204	5,330,762	73.22	N.
126. Troy, N. Y.	72,300	3,667,555	1,152,204	1,542,875	6,362,634	N.	..	..	..	6,362,634	4,819,759	66.66	....
127. Passaic, N. J.	71,800	4,741,061	2,396,250	3,180,000	10,317,311	792,101	66	34	..	9,525,210	6,345,210	88.37	....
128. Cicero, Ill.	71,600	(Not	reporting)										
129. Lincoln, Nebr.[44]	71,100	564,043	4,626,000	330,600	5,520,643	234,403	29	..	71	5,286,240	5,122,874	72.05	1,992,999
130. Hoboken, N. J.	71,000	3,770,678	3,591,636	334,000	7,696,314	1,565,039	55	41	4	6,131,275	5,860,550	82.54	2,832,000
131. Berkeley, Calif.[45]	71,000	368,598	369,000	....	737,598	N.	..	..	..	737,598	737,598	10.39	215,228
132. Mobile, Ala.	69,600	(Not	reporting)										
133. Altoona, Pa.	69,100	(Not	reporting)										
134. Wheeling, W. Va.	68,660	1,649,000	30,000	2,000,000	3,679,000	463,822	59	..	41	3,215,178	1,406,178	20.48	66,000
135. Huntington, W. Va.	68,600	(Not	reporting)										
136. Niagara Falls, N. Y.	68,300	5,486,700	5,906,129	1,957,530	13,350,359	85,499	..	..	100	13,264,860	11,392,829	166.81	....
137. Bethlehem, Pa.	67,600	2,404,500	3,934,900	1,460,000	7,799,400	1,456,157	40	60	..	6,343,243	4,883,243	72.24	N.
138. Quincy, Mass.	67,600	2,031,500	2,278,000	778,000	5,087,500	N.	..	..	..	5,087,500	4,309,500	63.75	226,000
139. Springfield, Ill.	67,200	(Not	reporting)										
140. Brockton, Mass.	65,300	1,809,400	623,250	1,499,500	3,932,150	620,897	..	..	100	3,311,253	2,432,650	37.25	....
141. East Orange, N. J.	65,000	3,010,510	2,359,245	1,477,000	6,846,755	1,544,932	20	27	53	5,301,823	4,639,854	71.38	4,127,472
142. Lakewood, Ohio	65,000	3,802,000	4,486,000	203,500	8,491,500	659,446	100	..	..	7,832,054	7,628,554	117.36	1,022,616
143. Roanoke, Va.	64,600	4,747,000	2,650,000	N.	7,397,000	806,613	..	..	..	6,590,387	6,590,387	102.02	....
144. Union City, N. J.	64,400	1,807,902	2,248,500	N.	4,056,402	522,029	74	26	..	3,534,373	3,534,373	54.88	419,704
145. Fresno, Calif.	64,000	629,000	3,885,000	N.	4,514,000	N.	..	..	..	4,514,000	4,514,000	70.53	....
146. Jackson, Mich.	63,700	2,166,729	2,644,000	1,064,375	5,875,104	279,939	76	..	24	5,595,165	4,598,277	72.19	766,000
147. Montgomery, Ala.	63,100	(Not	reporting)										
148. Topeka, Kan.[46]	62,800	3,962,334	928,200	575,000	5,465,534	324,282	54	12	34	5,141,252	4,678,158	74.49	....
149. Pasadena, Calif.[47]	62,100	5,132,102	4,003,954	1,928,148	11,064,204	527,455	32	38	30	10,536,749	8,765,569	141.15	2,457,113
150. Portsmouth, Va.	61,600	5,292,500	920,000	2,950,000	9,162,500	1,264,639	36	..	64	7,897,861	5,760,584	93.52	....
151. Pontiac, Mich.	61,500	2,747,400	2,885,585	1,678,000	7,310,985	803,088	23	64	13	6,507,897	4,930,063	80.16	1,568,100

BONDED DEBT OF 241 CITIES AS AT JANUARY 1, 1929—*Continued*

City	Census July 1, 1928	Gross Bonded Debt				Sinking Fund				Net Bonded Debt			Total gross special assessment debt
		General improvement	Public school	Public utility	Total	Total	General improvement (per cent)	Public school (per cent)	Public utility (per cent)	Total	Excluding self-supporting	Per capita excluding self-supporting	
Group IV—*Continued* *Population 50,000 to 100,000*													
152. Macon, Ga.	61,200	$605,000	$778,000	$520,000	$2,480,000	N.	..	..	..	$2,480,000	$1,960,000	$32.03	$577,000
153. Holyoke, Mass.	60,400	2,235,500	N.	2,264,000	4,499,500	$271,344	83	..	17	4,128,156	2,235,500	37.01	....
154. Covington, Ky.	59,000	(Not	reporting)										
155. Lancaster, Pa.[48]	58,300	1,930,000	3,230,000	....	5,160,000	446,539	10	90	..	4,713,461	....	......	....
156. Cedar Rapids, Iowa	58,200	1,732,200	1,508,000	305,000	3,545,200	N.	..	..	..	3,545,200	3,240,200	55.67	....
157. Wichita Falls, Texas	58,025	2,872,500	1,923,000	932,000	5,727,500	306,989	14	44	42	5,420,511	4,619,163	79.61	N.
158. Oak Park, Ill.	57,700	387,500	1,634,000	160,000	2,181,500	N.	..	..	..	2,181,500	2,020,500	35.02	....
159. Newton, Mass.	57,300	3,451,500	2,081,000	446,000	5,984,500	851,256	95	..	5	5,133,244	4,732,392	82.59	....
160. Decatur, Ill.	57,100	(Not	reporting)										
161. Augusta, Ga.[48]	56,700	2,981,000	304,000	....	3,285,000	389,455	..	..	..	2,895,545	....	......	....
162. Kenosha, Wis.	56,500	197,000	2,663,000	297,000	3,157,000	N.	..	..	..	3,157,000	2,860,000	50.62	....
163. Kalamazoo, Mich.	56,400	76,500	2,467,000	58,500	2,602,000	68,355	15	85	..	2,533,645	2,475,145	43.89	1,223,442
164. Beaumont, Texas	56,300	4,517,000	2,553,538	853,500	7,924,038	602,603	47	27	26	7,321,435	6,626,270	117.69	N.
165. Hammond, Ind.	56,000	(Not	reporting)										
166. Charleston, W. Va.	55,200	(Not	reporting)										
167. Atlantic City, N. J	54,700	(Not	reporting)										
168. Mount Vernon, N. Y.	54,700	5,802,000	3,349,050	2,268,000	11,419,050	441,413	100	..	..	10,977,637	8,709,637	159.23	....
169. Malden, Mass.	53,400	1,702,200	1,250,000	40,000	2,992,200	271,891	92	..	8	2,720,309	2,703,366	50.62	N.
170. Woonsocket, R. I.	53,400	6,511,000	1,292,000	1,495,000	9,298,000	1,490,641	73	5	22	7,807,359	6,653,404	124.60	....
171. Newport News, Va.	53,300	(Not	reporting)										
172. St. Petersburg, Fla.[49]	53,300	7,584,858	4,455,750	4,294,000	16,334,608	994,333	83	17	..	15,340,275	11,046,275	207.24	14,052,000
173. Medford, Mass.	52,900	(Not	reporting)										
174. New Castle, Pa.	52,500	1,095,000	2,470,000	N.	3,565,000	75,737	94	6	..	3,489,263	3,489,263	66.46	365,855
175. Davenport, Iowa	52,470	1,402,300	996,000	N.	2,398,300	35,207	100	..	..	2,363,093	2,363,093	45.04	769,114
176. Greensboro, N. C.	51,900	2,790,370	993,000	2,612,630	6,396,000	387,706	68	..	22	6,008,294	3,520,689	67.84	4,678,800
177. Springfield, Mo.	51,700	881,000	613,500	N.	1,494,500	176,188	28	72	..	1,318,312	1,318,312	25.50	....
178. Stockton, Calif.[50]	51,000	2,715,675	....	417,000	3,132,675	N.	..	..	..	3,132,675	2,715,675	53.25	....
179. East Chicago, Ind.	50,800	330,000	1,281,000	1,941,000	3,552,000	685,365	100	..	..	2,866,635	925,635	18.22	1,909,005
180. Columbia, S. C.[50]	50,600	2,031,000	....	706,000	2,737,000	119,571	13	..	87	2,617,429	2,031,000	......	213,000
181. Galveston, Texas	50,600	7,438,500	1,073,000	793,000	9,304,500	392,589	74	17	9	8,911,911	8,152,902	161.12	....
182. Madison, Wis.	50,500	2,467,000	1,916,000	606,000	4,989,000	280,850	41	33	26	4,708,150	4,174,500	82.66	482,000
183. McKeesport, Pa.	50,400	(Not	reporting)										
184. Perth Amboy, N. J.[51]	50,100	628,500	1,604,000	2,770,000	5,002,500	876,207	29	32	39	4,126,293	1,701,893	33.97	473,000
185. Elmira, N. Y.	50,000	1,633,500	598,000	1,040,000	3,271,500	....	..	..	..	3,271,500	2,231,500	44.63	....
186. Pittsfield, Mass.	50,000	1,007,400	483,000	675,000	2,165,400	N.	..	..	..	2,165,400	1,490,400	29.81	N.
Group V *Population 30,000 to 50,000*													
187. York, Pa.	49,900	$1,546,000	$831,000	N.	$2,377,000	$505,046	87	..	13	$1,871,954	$1,871,954	$37.51	....
188. Chelsea, Mass.	49,800	1,858,750	1,185,500	N.	3,044,250	511,109	58	42	..	2,533,141	2,533,141	50.87	N.
189. Lima, Ohio[52]	49,700	3,474,482	953,002	$978,500	5,405,984	129,604	91	..	9	5,276,380	4,308,924	86.70	$1,361,989

BONDED DEBT OF 241 CITIES AS AT JANUARY 1, 1929—*Continued*

City	Census July 1, 1928	Gross Bonded Debt				Sinking Fund				Net Bonded Debt			Total gross special assessment debt
		General improvement	Public school	Public utility	Total	Total	General improvement (per cent)	Public school (per cent)	Public utility (per cent)	Total	Excluding self-supporting	Per capita excluding self-supporting	
GROUP V—*Continued* *Population 30,000 to 50,000*													
190. Bay City, Mich.	49,600	$486,000	$1,930,000	$1,864,000	$4,280,000	$869,754	37	55	8	$3,410,246	$1,615,719	32.57	$165,000
191. Haverhill, Mass.	49,230	1,002,000	343,000	158,000	1,503,000	29,000	76	24	..	1,474,000	1,316,000	26.73	N.
192. New Rochelle, N. Y.	48,800	4,262,998	4,495,676	N.	8,758,674	242,621	100	..	..	8,516,053	8,516,053	174.51	774,421
193. Lexington, Ky.	48,700	1,444,570	768,000	N.	2,212,570	478,709	83	17	..	1,733,861	1,733,861	35.60	205,239
194. Evanston, Ill.	47,600	637,000	....	356,000	993,000	N.	..	..	..	993,000	637,000	......	....
195. Durham, N. C.	47,600	5,459,087	1,729,913	3,641,000	10,830,000	733,796	33	62	5	10,096,204	6,455,204	135.61	....
196. Battle Creek, Mich.	47,200	1,177,500	749,836	N.	1,927,336	N.	..	..	..	1,927,336	1,177,500	24.95	....
197. Aurora, Ill.	47,100	(Not	reporting)										
198. Muncie, Ind.	46,800	(Not	reporting)										
199. Columbus, Ga.	46,600	1,331,500	505,600	240,000	2,077,100	51,112	100	..	..	2,025,988	1,785,988	38.33	....
200. Waco, Texas	46,600	2,311,500	1,410,500	1,796,000	5,518,000	1,039,263	45	20	35	4,478,737	3,041,816	65.28	....
201. Muskegon, Mich.	46,600	1,312,000	1,965,000	449,500	3,726,500	150,514	100	..	..	3,575,986	3,425,472	73.51	1,042,650
202. Jamestown, N. Y.[53]	46,000	1,471,424	1,950,000	1,103,500	4,524,924	77,121	..	..	100	4,447,803	3,421,424	74.38	654,590
203. Brookline, Mass.	45,700	690,600	736,600	429,100	1,856,300	N.	..	..	..	1,856,300	1,427,200	31.23	....
204. San Jose, Calif.	45,500	(Not	reporting)										
205. Chicopee, Mass.	45,400	(Not	reporting)										
206. Fitchburg, Mass.	45,200	1,579,600	463,000	717,900	2,760,500	N.	..	..	..	2,760,500	2,042,600	45.19	N.
207. Austin, Texas	45,135	873,000	1,031,000	1,024,000	2,928,000	99,178	..	..	..	2,828,822	1,804,822	39.99	....
208. Lorain, Ohio	44,900	1,544,326	1,525,725	597,000	3,667,051	454,831	70	2	28	3,212,220	2,741,690	61.06	980,208
209. Pueblo, Colo.	44,200	969,000	1,391,000	1,425,000	3,788,000	92,485	63	37	..	3,696,515	2,271,515	51.39	1,872,300
210. Hamilton, Ohio[54]	44,200	1,396,365	1,094,639	1,591,950	4,082,954	662,268	88	12	..	3,420,686	1,828,736	41.37	649,021
211. Williamsport, Pa.	44,000	680,100	1,370,000	N.	2,050,100	447,219	50	50	..	1,602,881	1,602,881	36.43	91,000
212. Stamford, Conn.	43,800	(Not	reporting)										
213. Butte, Mont.	43,600	(Not	reporting)										
214. Everett, Mass.	43,300	1,471,800	1,067.000	118,000	2,656,800	422,195	100	..	..	2,234,605	2,116,605	48.83	....
215. Salem, Mass.	43,000	935,000	746,500	409,500	2,091,500	N.	..	..	..	2,091,500	1,682,000	39.11	....
216. Rock Island, Ill.	42,700	395,000	375,000	N.	770,000	N.	..	..	..	770,000	770,000	18.03	1,470,410
217. Poughkeepsie, N. Y.	42,500	1,291,430	1,301,050	847,000	3,439,480	71,639	93	7	..	3,367,841	2,520,841	59.31	1,442,613
218. Dubuque, Iowa[55]	42,300	1,286,413	1,316,000	691,500	3,293,913	100,491	89	11	..	3,193,422	2,938,095	69.46	444,350
219. Council Bluffs, Iowa	42,300	(Not	reporting)										
220. Phoenix, Ariz.	42,100	(Not	reporting)										
221. Joliet, Ill.	41,900	915,500	1,780,000	N.	2,695,000	N.	..	..	..	2,695,000	2,695,000	64.33	1,043,800
222. Portsmouth, Ohio	41,200	1,443,724	1,726,100	2,007,500	5,177,324	425,798	33	45	22	4,651,526	2,740,326	66.51	1,483,649
223. West New York, N. J.[28]	40,900	1,565,997	2,626,500	N.	4,192,497	1,002,669	100	..	..	3,189,828	3,189,828	77.99	893,000
224. New Brunswick, N. J.	40,800	1,918,000	1,622,000	1,153,000	4,693,000	95,960	100	..	..	4,597,040	3,444,040	84.41	25,000
225. Taunton, Mass.[56]	40,600	531,000	794,000	1,875,500	3,200,500	639,500	5	2	93	2,561,000	1,285,204	31.66	547,000
226. Kokomo, Ind.	40,400	(Not	reporting)										
227. Quincy, Ill.	39,800	(Not	reporting)										
228. Superior, Wis.	39,670	790,000	1,294,000	N.	2,084,000	161,640	..	..	..	1,922,360	1,922,360	48.46	11,675
229. East Cleveland, Ohio	39,400	2,092,900	3,682,000	N.	5,774,000	942,941	47	53	..	4,831,059	4,831,059	122.62	1,384,598
230. Wilmington, N. C.	39,100	(Not	reporting)										

BONDED DEBT OF 241 CITIES AS AT JANUARY 1, 1929—*Continued*

City	Census July 1, 1928	Gross Bonded Debt				Sinking Fund				Net Bonded Debt			Total gross special assessment debt
		General improvement	Public school	Public utility	Total	Total	General improvement (per cent)	Public school (per cent)	Public utility (per cent)	Total	Excluding self-supporting	Per capita excluding self-supporting	
GROUP V—*Continued* *Population 30.000 to 50,000*													
231. Ogden, Utah	39,100	(Not	reporting)										
232. Danville, Ill.	38,800	$334,544	$645,000	N.	$979,544	N.	..	..	..	$979,544	$979,544	$25.25	$1,168,456
233. Lynchburg, Va.[32]	38,600	2,517,324	1,046,602	$1,828,000	5,391,926	$1,206,937	67	..	33	4,184,989	2,856,989	74.02	N.
234. Easton, Pa.	38,400	(Not	reporting)										
235. Hazleton, Pa.	38,300	1,643,000	1,537,000	N.	3,180,000	165,390	37	63	..	3,014,610	3,014,610	78.71	....
236. Petersburg, Va.	37,800	3,309,000	800,000	500,000	4,609,000	1,349,579	..	..	..	3,259,421	2,759,421	73.00	N.
237. Cranston, R. I.	37,500	1,094,000	1,663,000	N.	2,757,000	419,558	..	..	..	2,337,442	2,337,442	62.33	N.
238. Waterloo, Iowa	37,100	(Not	reporting)										
239. Meriden, Conn.	37,100	460,000	990,000	N.	1,450,000	....	..	..	..	1,450,000	1,450,000	39.08	....
240. Waltham, Mass.	37,100	(Not	reporting)										
241. Lewiston, Me.	36,600	773,000	95,000	425,000	1,293,000	225,000	100	..	..	1,068,000	643,000	17.57	N.
242. Orange, N. J.	36,500	2,382,000	1,537,000	485,000	4,404,000	888,831	43	28	29	3,515,169	3,284,350	89.98	N.
243. Clifton, N. J.	36,200	1,341,000	1,833,400	1,808,000	4,982,400	126,655	41	59	..	4,855,745	3,047,745	84.19	476,000
244. Amsterdam, N. Y.	36,200	(Not	reporting)										
245. Norristown, Pa.	36,200	(Not	reporting)										
246. Warren, Ohio[50]	36,100	2,021,085	....	1,150,900	3,171,985	189,838	..	..	..	2,982,147	....	......	798,720
247. Green Bay, Wis.	36,100	(Not	reporting)										
248. Colorado Springs, Colo.	36,000	830,000	1,122,000	2,929,500	4,881,500	14,000	100	..	..	4,867,500	1,952,000	54.22	362,100
249. Revere, Mass.	36,000	697,060	1,057,820	238,500	1,993,380	N.	..	..	..	1,993,380	1,754,880	48.75	....
250. Elgin, Ill.	36,000	(Not	reporting)										
251. Auburn, N. Y.	35,700	979,585	62,000	189,000	1,230,585	41,521	..	..	100	1,189,065	1,041,585	29.19	N.
252. Moline, Ill.	35,600	10,000	151,000	40,000	201,000	8,905	100	..	..	192,095	152,095	4.27	179,230
253. Sheboygan, Wis.	35,100	262,000	452,000	30,000	744,000	N.	..	..	..	744,000	714,000	20.34	216,000
254. Irvington, N. J.	34,600	2,392,670	2,314,150	N.	4,706,820	356,963	82	18	..	4,349,857	4,349,857	125.72	1,798,843
255. Anderson, Ind.	34,600	(Not	reporting)										
256. Cumberland, Md.[50]	34,400	1,420,000	....	2,219,900	3,639,900	537,095	21	..	79	3,102,805	882,905	......	....
257. Montclair, N. J.	33,700	1,277,531	4,994,500	3,055,800	9,327,831	1,015,811	23	70	7	8,312,020	5,325,844	158.04	....
258. Watertown, N. Y.	33,700	1,286,835	1,175,500	1,086,000	3,548,335	143,163	53	46	1	3,405,172	2,319,603	68.83	232,057
259. Marion, Ohio	33,400	(Not	reporting)										
260. Oshkosh, Wis.	33,200	383,000	515,000	435,000	1,333,000	N.	..	..	..	1,333,000	898,000	27.05	N.
261. Muskogee, Okla.	33,200	2,298,093	1,005,000	874,000	4,177,093	1,810,021	44	24	32	2,367,072	2,075,072	62.50	342,496
262. Port Arthur, Texas	33,000	(Not	reporting)										
263. Steubenville, Ohio[50]	32,600	198,631	....	106,414	305,045	49,995	..	..	..	255,050	....	......	....
264. Mansfield, Ohio	32,500	1,062,350	1,312,103	234,000	2,608,453	168,187	..	..	..	2,440,266	2,200,266	67.70	275,450
265. Plainfield, N. J.	32,500	1,765,000	1,802,000	N.	3,567,000	190,542	61	39	..	3,376,458	3,376,458	103.89	3,731
266. Alameda, Calif.	32,400	266,291	570,431	115,228	951,950	N.	..	..	..	951,950	836,722	25.82	....
267. Kearny, N. J.	32,100	1,923,000	2,128,500	4,506,903	8,558,403	660,169	41	53	6	7,898,234	3,424,490	106.68	383,000
268. Fort Smith, Ark.	32,100	(Not	reporting)										
269. Asheville, N. C.	32,000	(Not	reporting)										
270. Hagerstown, Md.	32,000	(Not	reporting)										
271. Middletown, Ohio	31,900	703,570	1,117,000	199,500	2,020,070	92,644	83	17	..	1,927,427	1,727,927	54.17	544,943

BONDED DEBT OF 241 CITIES AS AT JANUARY 1, 1929—*Concluded*

City	Census July 1, 1928	Gross Bonded Debt				Sinking Fund				Net Bonded Debt			Total gross special assessment debt
		General improvement	Public school	Public utility	Total	Total	General improvement (per cent)	Public school (per cent)	Public utility (per cent)	Total	Excluding self-supporting	Per capita excluding self-supporting	
GROUP V—*Continued* *Population 30,000 to 50,000*													
272. Sioux Falls, S. D.	31,200	$1,105,000	$1,382,000	$415,000	$2,902,000	$1,016,015	22	60	18	$1,885,985	$1,651,113	$52.92	N.
273. Rome, N. Y.	31,100	(Not	reporting)										
274. Raleigh, N. C.	31,000	(Not	reporting)										
275. Richmond, Ind.	31,000	216,500	691,000	N.	907,500	14,741	100	..	..	892,759	892,759	28.80	$362,299
276. Clarksburg, W. Va.	30,900	(Not	reporting)										
277. Great Falls, Mont.	30,900	(Not	reporting)										
278. Norwood, Ohio	30,800	2,307,634	1,117,500	335,825	3,760,959	1,048,653	100	..	..	2,712,306	2,376,481	77.16	122,924
279. Port Huron, Mich.	30,700	1,080,620	687,000	321,000	2,088,620	55,000	100	..	..	2,033,620	1,712,620	55.79	814,788
280. Bloomington, Ill.	30,700	290,000	80,000	N.	370,000	56,250	100	..	..	313,750	313,750	10.22	....
281. Newark, Ohio	30,500	(Not	reporting)										
282. Zanesville, Ohio	30,450	539,546	947,741	379,500	1,866,787	389,317	59	41	..	1,477,470	1,097,970	35.87	371,574
283. La Crosse, Wis.	30,400	(Not	reporting)										
284. Newburgh, N. Y.	30,400	492,796	1,404,912	828,731	2,726,439	129,148	..	..	..	2,597,291	1,768,560	58.18	....
285. Norwalk, Conn.	30,100	(Not	reporting)										
286. Nashua, N. H.	30,000	1,490,500	726,500	N.	2,217,000	283,900	..	..	..	1,933,100	1,933,100	64.44	....
CANADIAN CITIES													
1. Montreal, Que.[57]	699,500	$80,937,618	$32,977,282	$42,316,924	$156,231,824	$20,034,490	81	19	..	$136,197,333	$93,880,409	$134.21	$23,692,036
2. Toronto, Ont.[58]	585,626	41,605,559	25,920,471	90,329,910	160,855,940	28,401,731	39	18	43	132,454,209	54,263,278	92.66	10,474,650
3. Winnipeg, Man.[59]	205,083	9,825,032	9,225,000	28,917,175	47,967,207	14,442,721	30	19	51	33,524,486	11,908,762	58.07	13,474,356
4. Vancouver, B. C.	142,150	22,037,084	5,891,900	2,740,350	30,669,334	9,927,551	78	13	9	20,741,783	18,912,902	133.05	4,179,238
5. Hamilton, Ont.[60]	134,566	10,829,798	3,883,911	6,697,805	21,411,514	5,111,536	52	12	36	16,299,978	11,440,485	85.02	2,275,580
6. Quebec, Que.[61]	131,071	13,968,014	5,404,000	5,428,125	24,800,139	2,133,648	59	33	8	22,666,491	17,417,253	132.89	....
7. Ottawa, Ont.[62]	122,731	13,563,678	3,781,117	4,791,040	22,135,836	5,616,412	59	15	26	16,519,424	13,177,866	107.37	4,762,884
8. Edmonton, Alta.[63]	72,501	19,416,253	4,239,653	12,062,236	35,718,142	10,560,727	39	4	57	25,157,415	19,142,637	264.03	4,481,841
9. Calgary, Alta.	72,500	(Not	reporting)										
10. Windsor, Ont.[64]	68,569	5,284,684	4,362,585	3,826,120	13,473,389	152,655	..	61	39	13,320,734	9,554,474	142.84	....
11. London, Ont.	68,404	(Not	reporting)										
12. Halifax, N. S.	55,000	(Not	reporting)										
13. St. John, N. B.[65]	52,000	1,711,424	1,655,500	4,327,581	7,720,350	3,579,156	17	10	73	4,141,194	2,433,012	44.24	....
14. Verdun, Que.	47,000	(Not	reporting)										
15. Victoria, B. C.[66]	42,000	10,769,187	1,354,949	4,008,197	16,132,333	3,001,237	58	25	17	13,131,096	9,122,899	217.21	87,723
16. Regina, Sask.[67]	42,000	6,222,247	1,979,688	5,910,211	14,112,146	4,450,741	49	13	38	9,661,405	5,436,867	129.45	2,283,182
17. Saskatoon, Sask.[68]	40,000	3,911,601	2,252,163	3,856,118	10,019,883	2,820,978	42	9	49	7,198,905	4,725,463	118.14	1,839,350
18. Three Rivers, Que.	36,500	(Not	reporting)										

NOTES.—The cities are arranged in order of population, according to the 1928 (July 1) estimates by the Bureau of the Census, with exceptions noted by that Bureau. Population of Canadian cities is as estimated for 1928, when available.

* = Estimated. N. = None.

[1] *New York.* Utility bonds include $446,109,889 rapid transit subway bonds, and $155,985,592 dock bonds. General sinking funds include schools. Sinking fund resources show a surplus of $36,505,522 over amortization reserves.

[2] *Chicago.* General bonds include $100,606,700 sanitary district bonds, 92½ per cent of total debt of the district, based upon proportion of taxable values within the city. Debt does not include county or forest preserve district (co-extensive with county) bonds, $43,450,000. 91 per cent of taxable values of the county are within the city. Utility bonds include water, $430,000, and street lighting, $7,650,000.

[3] *Philadelphia.* Includes city and county; general and utility debt not separated. Self-supporting debt is estimated.

[4] *Detroit.* Utility bonds include street railway, $22,672,000, and lighting, $16,863,000; in addition to the debt there is a street railway purchase contract for $10,026,480.

[5] *Los Angeles.* Census is local estimate; utility bonds include light and power, $40,627,000, and harbor (not self-supporting) $22,446,000; school bonds are issued by the county, amount reported being city's pro-rated share based on valuations. Debt does not include flood control (county), $8,712,804.

[6] *Cleveland.* Utility bonds include light and power, $7,105,000.

[7] *Baltimore.* General bonds include airport, $1,500,000; utility bonds include Western Maryland Railroad, $1,875,000.

[8] *Boston.* Utility bonds include rapid transit, $52,494,700; county debt, which is paid by Boston, not included; special assessment bonds are not kept separately.

[9] *San Francisco.* General bonds include 1915 Exposition, $2,000,000; utility bonds include street railway, $2,902,000.

[10] *Milwaukee.* Debt does not include metropolitan sewerage commission, $19,243,000, 79 per cent of which is paid by the city.

[11] *Minneapolis.* Utility bonds include light and power, $50,000, wharves and docks, $766,500, and market, $25,000.

[12] *New Orleans.* Debt does not include levee district bonds, $11,037,500, or Public Belt Railroad debt; utility bonds include port, $41,516,000.

[13] *Cincinnati.* Utility bonds include rapid transit, $6,100,000, airport, $500,000, and Cincinnati Southern Railway, $21,832,000; rental revenues of the latter yield $1,250,000, which more than pays interest and sinking fund charges on this debt.

[14] *Kansas City.* Special assessment debt is in the form of certificates which are not obligations of the city; school debt includes library, $250,000.

[15] *Seattle.* Utility includes light and power, $24,227,000, and street railway, $10,974,500.

[16] *Portland.* Census is local estimate; utility bonds include golf links, $155,000; general debt includes docks, $8,555,000, and city's portion (93.9 per cent) of port, $4,509,000; school bonos are 97.4 per cent of total as city's portion; the city's portion (91.6 per cent) of county debt, $8,525,000 is not included.

[17] *Louisville.* Sinking fund owns also the entire capital stock of the Louisville Water Company, par value $1,275,100, real value at least $25,000,000.

[18] *Jersey City.* Utility bonds include dock, $251,000.

[19] *Columbus.* Utility bonds include light and power, $1,872,000; separation of sinking funds as between general and utility is estimated.

[20] *Denver.* Includes city and county; general debt includes city's portion of Moffat Tunnel, $13,613,600.

[21] *Oakland.* Utility bonds include city's portion, $38,912,337, of water district bonds, and $5,000,000 harbor bonds. Debt does not include county bonds for Estuary Tube, $3,375,000, and Highland Hospital, $1,800,000, of which city pays 62 per cent.

[22] *St. Paul.* Special assessment debt is a permanent improvement revolving fund.

[23] *Omaha.* Utility bonds include gas, $1,500,000.

[24] *Richmond,* Utility bonds include light and power, $300,000, and gas, $3,758,550.

[25] *Dayton.* Utility includes sewage treatment plant, $2,583,000.

[26] *Norfolk.* Utility bonds include port, $6,519,948.

[27] *Miami.* Utility bonds include street railway, $1,100,000; school bonds are of separate school districts of somewhat greater territory.

[28] *Paterson, West New York.* General debt includes temporary debt.

[29] *Nashville.* Utility bonds include light and power, $323,000.

[30] *Wilmington.* Utility bonds include harbor, $2,650,000.

[31] *Cambridge, Pawtucket.* General debt includes schools.

[32] *Albany, Knoxville, Lynchburg.* General sinking fund includes school sinking funds.

[33] *San Diego.* School bonds issued by county; sinking funds not segregated.

[34] *Duluth.* Utility bonds include gas, $1,086,000.

[35] *Tampa.* Debt as of February 28, 1929; school bonds are for county school district, extending beyond city limits.

[36] *Tacoma.* Utility bonds include light and power and street railway, $3,446,000.

[37] *Spokane.* Utility bonds include crematory, $70,000.

[38] *Long Beach.* Utility bonds include gas, $3,918,000.

[39] *Hamtramck, Highland Park.* General sinking fund includes utility sinking fund.

[40] *Winston-Salem.* Utility bonds include market, $340,000.

[41] *Lansing.* Utility bonds include light and power, $3,594,900.

[42] *Charleston.* Utility bonds include port, $2,500,000.

[43] *East St. Louis.* General bonds include separate park district, $1,462,000; debt of east side levee and sanitary district not included.

[44] *Lincoln.* Utility bonds include light and power, $200,000; school debt is for separate district of larger territory than city.

[45] *Berkeley.* School debt is city issue only, county school district and East Bay utility district not reported.

[46] *Topeka.* Utility bonds include light and power, $40,000.

[47] *Pasadena.* Utility bonds include light and power, $762,700.

[48] *Lancaster, Augusta.* General debt includes utility.

[49] *St. Petersburg.* Utility debt includes power, $535,000, street railway, $1,130,000, and gas, $1,043,000.

[50] *Savannah, Stockton, Columbia, Warren, Cumberland, Steubenville.* Schools not reported.

[51] *Perth Amboy.* Utility bonds include light and power, $103,000, and harbor, $103,000.

[52] *Lima.* Utility bonds include light and power, $8,000.

[53] *Jamestown.* Utility bonds include light and power, $190,000, and market, $35,000.

[54] *Hamilton.* Utility bonds include light and power, $828,000, and gas, $327,950.

[55] *Dubuque.* Utility bonds include docks, $347,000.

[56] *Taunton.* Utility bonds include light and power, $836,500, street railway, $13,000, and sewer, $547,000.

[57] *Montreal.* Utility bonds include underground conduits, $3,300,000; general sinking fund includes utility.

[58] *Toronto.* Utility bonds include light and power, $25,454,115, street railway, $39,706,548, abatoir, $304,000, exhibition, $2,936,089, ferries, $169,000, housing, $632,000, and radials, $2,482,019; school debt includes separate (Roman Catholic) school board, $2,390,000, paid from taxes of supporters.

[59] *Winnipeg.* Utility bonds include light and power, $18,327,000, housing, $2,650,000, and steam heating system, $1,100,000.

[60] *Hamilton.* Utility bonds include light and power, $2,775,663.

[61] *Quebec.* School debt includes Roman Catholic, $5,224,000; and Protestant, $180,000.

[62] *Ottawa.* Utility debt includes light and power, $953,374.

[63] *Edmonton.* Utility debt includes light and power, $3,548,375, street railway, $3,047,696, and telephone, $2,374,480.

[64] *Windsor.* Utility debt includes light and power, $1,508,341, and street railway, $1,244,907; school debt includes $1,035,490, Roman Catholis school debt.

[65] *St. John.* Utility debt includes light and power, $726,036, ferry, $235,279, and market, $70,000.

[66] *Victoria.* Utility debt includes housing, $124,100.

[67] *Regina.* Utility debt includes light and power, $1,829,307, and street railway, $1,706,718.

[68] *Saskatoon.* Utility debt includes light and power, $1,915,947, and street railway, $981,919.

RECENT BOOKS REVIEWED

Die deutschen Städte: ihre Arbeit von 1918 bis 1928. Edited by Fritz Elsas and Erwin Stein. Berlin-Friedenau: Deutscher Kommunal-Verlag, 1928. Pp. 164.

"The Nation must be trained to manage its own affairs and to step out of that condition of childhood in which an ever restless, ever zealous government wishes to keep the people." With this quotation from Baron von Stein, the editors begin their symposium dealing with the work of German cities from 1918 to 1928. More than a century ago, Stein established the principle of *Kommunalselbstverwaltung* or local self-government. Now, the German cities are struggling to maintain the sphere of local autonomy to which they had long been accustomed. In the war and post-war periods, the *Reich* and the states have made great encroachments on municipal home rule. On the one hand, they have compelled the cities to carry ever-increasing burdens; on the other, they have greatly curtailed local revenues. The present volume deals with the principal functions of German cities but the underlying theme is that phrase so often heard in Germany today, "*Der Kampf um die Selbstverwaltung.*"

The book is divided into two main parts, the first of which comprises approximately one hundred pages and consists of twenty-seven general articles. Part II covers the remaining third of the work and is made up of twenty-four special articles, each dealing with a particular city. The general and special articles are contributed by various *Oberbürgermeister* and other prominent municipal experts.

Part I is of chief interest to American readers. There, one finds excellent discussions of the accomplishments and problems of German cities in the various branches of administration,—finance, personnel, housing, public utilities, education, police, welfare, recreation, etc. Separate articles are devoted to Berlin, and to the conditions in the border territories of Upper Silesia, East Prussia, the Saar, and the Palatinate. In "*Die Rationalisierung der Verwaltung*" (pp. 26–29) will be found many parallels to the experiences of American states and cities with administrative reorganization and efficiency and economy measures; while in "*Eingemeindungsproblem*" (pp. 78–80), there is a good brief analysis of German attempts to solve the "problem of the metropolitan area." "*Berufliche Selbstverwaltung—Gemeindliche Selbstverwaltung*" (pp. 5–6) presents a phase of the home rule struggle which is almost unknown in the United States. In Germany, the organization of economic and occupational groups has been carried so far that the demands of these groups for greater autonomy now seriously threaten the institutions of local self-government.

Although the book is an admirable one in many ways, it is open to a few criticisms. In a number of cases, the articles fail to give a sufficiently connected and chronological account of the administrative and functional developments of the past decade. As the title implies, questions of governmental organization and structure are, in the main, excluded. Since the volume is sponsored by the strictly non-partisan *Verein für Kommunalwirtschaft und Kommunalpolitik*, municipal partisanship and parties likewise receive little mention. Finally, the collection lacks an index; it is also too bulky for convenient use, the pages measuring approximately ten by thirteen inches. The large size is explained by the fact that the entire book is reprinted from the special number of the *Zeitschrift für Kommunalwirtschaft* for October 10, 1928. Apart from this, the format is attractive and the volume is beautifully illustrated with seven full-page photographs and more than sixty smaller pictures.

All things considered, *Die deutschen Städte* is a valuable and not too technically written summary of post-war municipal administration in Germany. It is one of the latest of the many excellent volumes which have been published under the editorial supervision of Erwin Stein, the able general secretary of the *Verein für Kommunalwirtschaft und Kommunalpolitik.*

Roger H. Wells.

Bryn Mawr College.

*

The New Exploration: A Philosophy of Regional Planning. By Benton MacKaye. New York: Harcourt, Brace & Co., 1928. Pp. 235.

A product of the mind that conceived the Appalachian Trail, a continuous wilderness footpath from Maine to Georgia, this book is blazing its way into primitive regions of planning philosophy.

To get fairly the viewpoint from which the author writes, we must join him at his vantage point. He first views the metropolis, from the top of the Times Building. He then views New England, from the top of Mount Monadnock. He watches, without ever mingling in them, the outflows, the inflows, and the reflows of man and nature.

America he would pour into the "indigenous mold," his discussion of which is one of the significant sections of the book. With Plato, he believes that "To command nature, we must first obey her," and he outlines three types of fundamental human contacts that civilization must provide:

1. The contact of man and nature, as provided in the primeval setting.
2. The generalized contact of man and man, as provided in the rural village community.
3. The specialized contact of man and man, as provided in the urban and cosmopolitan groupings.

No small-unit planning will suffice for Mr. MacKaye. He would plan great areas, and plan them with an eye to bringing out the full potentialities of environment: physically, psychologically, artistically.

To the author the metropolitan invasion is but an interruption in the scheme of things: like the glacier, which when here must have seemed to be the "main plan—dynamic and devastating."

While the book, of necessity, dwells in the realm of theory, Mr. MacKaye has bitten deeply into the nut of his problem. He has taken a region of New England and sketched a master plan to illustrate his points.

Mr. MacKaye will have enthusiastic adherents. He will also have sarcastic opponents. One group of readers he will not have: those who shrug their shoulders and turn away at the end of the book untouched by the author. For his pen, like the mills of old, drips power. He sees "modern industry an electric switch tower in the hands of a five-year-old." He sees "man, boiled down to his lowest terms," consisting of three things: "his soul, his body and his shirt." And he feels deeply that certain of those elements have been overemphasized in our civilization. The most immediate function of the planner in his opinion is to "fight, with the sharp weapon of visualization, for the intrinsic human values of his country and his world."

His contribution is a stimulating one. At the least, it is a cool fresh breeze from the Appalachian highlands. At the most it is what the title implies: a significant attempt to develop a philosophy of regional planning, to lay down trails on the frontiers of this subject as the author would trace them in the wilderness itself.

HOWARD P. JONES.

✱

CITY PLANNING PROGRESS is now so general as to merit summarization in special documents covering specific states or regions. *Practical City Planning in Pennsylvania* is a bulletin of the Pennsylvania Association of Planning Commissioners published by the State Bureau of Municipal Affairs in September, 1928, and containing papers and discussions at the Annual Conference of the Association.

Report of the New Bedford Conference, Bulletin 23, December, 1928, of the Massachusetts Federation of Planning Boards (Boston) presents papers at its annual meeting, while the *Annual Report* for 1928 of the Massachusetts Division of Housing and Town Planning presents succinctly many of the problems as yet unsolved and lists the activities and the inactivities of the year by the 107 planning boards of the state. It is high time we weighed the failures of city planning as well as the successes if we are to continue to make progress on a broad basis.

Of a somewhat different type, the Regional Plan of New York in its Publication No. 13 presents *A Practical Program for Making City, Town and Village Plans*, by Wayne D. Heydecker, for the consideration of the 64 planning commissions already established and the far larger number of communities in the region where they are as yet to be appointed. With the Regional Plan now prepared as a background the 400 and more separate municipalities of this vast area have an unusual opportunity to start their work on a sound basis. This bulletin outlines the successive steps that will lead to fruition.

ARTHUR C. COMEY.

✱

MUNICIPAL REPORTS

ALAMEDA, CALIFORNIA. *Eleventh Annual Report of the City Manager, Clifton E. Hickok, for the Year Ending June 30, 1928.* Pp. 107.

For attractiveness—a prime essential of a public report—this one stands high. The front cover is irresistible and the content is not an anti-climax, as is often the case. The size of the report and the character of paper and type aid in making it attractive. The physical makeup would have approached a high standard if important facts had been emphasized by a change in type or by some other appropriate method.

The first thirty pages contain a table of contents which is followed in order by a "vicinity map" showing the location of Alameda with reference to other cities within a 35-mile radius of San Francisco Bay, a table of statistical data, a roster of city officials, an organization chart, a letter of transmittal, and summaries of accomplishments and contemplated improvements. With the exception of a seventeen-page description of the city government which is placed at the end, the remainder is taken up with detailed reports of the operation of the administrative departments.

The most serious indictment that can be brought against this report is its length. While one would hesitate arbitrarily to delete material which the manager has considered pertinent, yet the report could have been shortened several pages without decreasing its effectiveness, by eliminating the vacant pages and by making full use of other pages but partly used.

SUMMIT, NEW JERSEY. *Third Annual Report of the City Government, John P. Broome, City Manager, for the Year 1928.* Pp. 48.

A feature of this report which might well be adopted to advantage in other municipal reports is a brief history of the city compressed into one page and appearing near the front. This is preceded by a foreword by the mayor and a letter of transmittal by the manager. There follows a roster of the city officials, boards and commissions. This idea is commendable, but the advisability of including the names of rodmen, patrolmen, and laborers in the street department, thus consuming three whole pages, is open to serious question.

The activities of the different departments are set forth quite clearly, and the reproduction of the master plan of the city as prepared by the city plan commission adds to the interest of the report.

WESTERVILLE, OHIO. *Annual Report of the City Manager, L. G. Whitney, for the Year 1928.* Pp. 34.

This report is unique in at least one respect—it was distributed to the public within five weeks after the end of the period covered. It is the third report for successive years which this town has published and sent in for review, and it is gratifying to discern a distinct improvement over the previous ones. This issue includes among other features a clear and simple organization chart and a brief table of contents. The illustrative material is above the average, but not outstanding. The report fails to emphasize important facts, and for that reason does not leave with the casual reader any very definite impressions. C. E. RIDLEY.

REPORTS AND PAMPHLETS RECEIVED

EDITED BY E. A. CRANDALL

Report on Santa Barbara County, California.—By the California Taxpayers' Association, February, 1929. 154 pp. An analysis of the governmental organization and expenditures of the county for the fiscal year ending June 30, 1927, together with a general study of the fiscal system for the ten-year period, 1918–1927.

*

The Assessment of Local Improvements.—By the Rochester Bureau of Municipal Research, April 3, 1929. 30 pp. (Mimeographed). Contains a proposed local assessment ordinance, a general plan for local improvement assessments, a table of depth factors, a discussion of the assessments of corner lots and the assessment for sewers. This report adds very useful information to the scattered material now available on some of the important phases of the special assessment problem.

*

A Report upon an Investigation of the City's Purchasing Methods and Procedure.—By the Kansas City Public Service Institute, April, 1929. 32 pp. (Mimeographed). A comparison of the purchasing procedure in effect in Kansas City with standard methods used in both business and government.

*

Report on the Collection of Delinquent Taxes and Assessments.—By the Schenectady Bureau of Municipal Research, April, 1929. 33 pp. (Mimeographed). A discussion of model procedure in the collection of delinquent taxes, a presentation of the present procedure in Schenectady and a recommended procedure. The appendices contain the law in White Plains, New York, in Mechanicville, New York, and in Syracuse, New York. These were used in the recommendations for Schenectady.

*

Automobile Liability Insurance.—By the Commonwealth Club of California, April 9, 1929. 94 pp. An account of a meeting of the Commonwealth Club at which reports were presented by the club's research service regarding the automobile accident situation in the metropolitan areas of the Bay cities and Los Angeles. A proposed automobile liability insurance bill is included in Appendix III (a) and recommended for passage by the California legislature.

*

Fatal Automobile Accidents in New York State in 1927.—By J. V. De Porte, director, Division of Vital Statistics, New York State Department of Health, 1929. 16 pp. A detailed analysis of the facts in regard to automobile accidents in New York State. Comparisons of deaths from automobile accidents with those from other causes, and deaths by ages and by place of occurrence are shown with general comparisons of New York City with the rest of the state.

*

Municipal Activities.—By C. O. Sherrill, city manager, Cincinnati, Ohio, 1928. 198 pp. The annual report of the City of Cincinnati. (To be reviewed in the July issue.)

*

Proposed Permanent Improvement Procedure for Highway and Sewer Improvements.—By the Cincinnati Bureau of Governmental Research with the assistance of Philip A. Cornick and Charles D. Rose, March, 1929. 43 pp. (Mimeographed). A recommended procedure for highway and sewer improvements for the city of Cincinnati. Each step is presented in the proper order and forms for the necessary ordinances are included. The administrative organization for the installation of these improvements that will accomplish the best results under the city manager form of government is suggested.

Zoning Progress in the United States: Zoned Municipalities in the United States.—Issued by the Division of Building and Housing of the United States Department of Commerce, and compiled by Norman L. Knauss, April, 1929. 20 pp. (Mimeographed). A general discussion of the development of zoning in cities, villages and towns, followed by a list of cities having zoning ordinances with the year of adoption.

*

Regional Planning in the United States.—By the American Civic Association, April, 1929. 24 pp. A foreword by Frederic A. Delano, a statement and summary by Thomas Adams, and a report of the conference of the Committee on Regional Planning of the American Civic Association held in Buffalo, New York, November, 1929.

*

The Use of Deed Restrictions in Subdivision Development.—By Helen C. Monchow, 1928. 84 pp. Research monograph number 1 of the Studies in Land Economics, published by the Institute for Research in Land Economics and Public Utilities. The economic rather than the legal aspects are considered in the main. "The purpose has been to consider specific control provisions and to analyze their effect (1) upon the land actually covered by the deed and (2) upon the relations between the conveyor and purchaser of the land, who are the parties to the contract."

*

An Introduction to a Study of the Regulation of Public Utilities.—By Julia M. Hicks, January, 1929. 82 pp. Published by the Committee on Living Costs of the National League of Women Voters. A pamphlet prepared for the "layman" in the field of public utilities. It collects the important phases of the problems involved and presents the "setting" for the regulation of public utilities, the early stages of regulation, and the factors that must be determined if regulation is to be successful.

*

Hudson River Bridge.—By the Port of New York Authority, March, 1929. 42 pp. The second progress report by the chief engineer of bridges, the first having been issued in January, 1928. A complete explanation of what has been done toward the completion of the bridge with excellent pictures, plans, and charts.

JUDICIAL DECISIONS

EDITED BY C. W. TOOKE

Professor of Law, New York University

Streets and Highways—Use for Private Purposes.—In *Bozzo* v. *Perth Amboy*, 135 Atl. 233, the Supreme Court of New Jersey, in refusing to review by *certiorari* an ordinance passed by the city forbidding gasoline pumps, etc., to be established or maintained on the city streets, holds that neither by permit or occupancy may one be given a vested right on the highways. This decision is supported by the general run of authorities. While the city may under the delegated police power permit such encroachments, or the legislature even as against the city may legalize their establishment, with the result that they will not be considered a nuisance *per se*, the beneficiary's privilege is subject to revocation no matter how long the use has been enjoyed. Under such circumstances an adjoining property owner has no remedy for abatement unless the use becomes as to him a nuisance in fact (*McCoy* v. *Jordan*, 241 N. Y. 71).

*

Zoning—Limitation Upon Power to Zone.—In *Sundlun* v. *Zoning Board of Pawtucket*, 145 Atl. 451, the Supreme Court of Rhode Island lines itself up with the Supreme Court of the United States and the other state courts which have recently begun to define the limits of the zoning power as set forth in *Nectow* v. *City of Cambridge* (260 Mass. 441, 277 U. S. 183). Upon a petition for a writ of *certiorari* to review the decision of the zoning board which denied to the petitioner a permit to erect a gasoline station in a "B" residence area, the court holds that under the facts of the case, showing that the property was not suitable for residential purposes and that similar stations might be allowed within the district, the board had no power to refuse the application. The ground of the discussion was that the facts did not show that the action of the board could be supported on behalf of public safety, health, comfort or convenience, and therefore was beyond the scope of the police power. The property owner is held to have a right, guaranteed by the Fourteenth Amendment, to use his property for any legitimate purpose, subject only to the valid exercise of the police power.

It is to be noted that this decision goes further than those recent cases, like *Washington* v. *Roberge*, 49 Supreme Ct. R. 50, in which it is held that lands already devoted to legitimate purpose may not be limited in their use, unless clearly in the interests of the public safety, welfare or convenience. In the instant case, the use is entirely a new one and the court's holding seems to strike far more directly at the basis of zoning. It is unfortunate that no appeal in this case can be presented to the Supreme Court, and we shall have to wait until the highest court of some state denies the right of a petition to a permit in a similar case. It is to be doubted whether upon such an appeal the Supreme Court will sustain the severe strictures placed upon the police power by the Rhode Island courts.

*

Torts—Municipal Liability as Affected by Income from Public Property.—In *Carta* v. *City of Norwalk*, 145 Atl. 158, decided by the Supreme Court of Errors of Connecticut, on March 2, the court reversed a judgment of nonsuit in an action brought to recover damages by an administrator for the death of his decedent at a public beach. The city under statutory authority established and leased the public beach for a substantial rental, which went into the general treasury. By the terms of the lease the city retained a right of supervision to effect compliance with the requirements of the lease. The deceased was killed by striking his head upon a submerged post used to moor a float.

The courts of Connecticut hold that the maintenance of parks is a governmental function in the performance of which a municipality is not liable for the negligence of the agents employed by it. The jurisdictions, which thus hold that in the maintenance of parks the principle of nonliability in tort obtains, refuse to make any exception based upon the charge of an incidental fee to be used for additional conveniences furnished the patrons (*Hannon* v. *Waterbury*, 106

Conn. 13, 136 Atl. 876), but if the property in considerable part is used as a substantial source of revenue the city is held responsible, as a private owner would be for injury sustained through its negligence (*Oliver* v. *Worcester*, 102 Mass. 489, *Chafor* v. *Long Beach*, 174 Cal. 478). The latter modification of the rule had been held not to apply to those parts of the property that are clearly independent of the portions rented (*Bisbing* v. *Asbury Park*, 89 N. J. Law 416). On this general subject, we may refer to a note published in the July, 1927, issue of this REVIEW.

◆

Quasi-Contract—Liability of Municipality for Services Rendered or Material Furnished.—The limitations upon the ordinary principles of recovery upon contracts implied in law where subordinate public agencies with delegated powers are concerned are illustrated in the case of *Stratton* v. *Detroit*, 224 N. W. 649, recently decided by the Supreme Court of Michigan. In this case the plaintiff sought to recover extra commissions for services rendered to the city, for which he acted as supervising architect in the construction of a municipal tuberculosis sanatorium. The statute provided that before the contract for construction should be let, the funds to meet the obligations to be incurred should be appropriated. One million dollars was appropriated, of which seven hundred thousand was for construction. The plaintiff's contract called for 3 per cent upon approval of plans and 2 per cent additional upon the total amount of certificates issued by him to the builders. The board of health recommended a much larger sanatorium to cost a million dollars more than the amount approved and requested the plaintiff to prepare plans upon that basis. The plans were prepared and submitted, the plaintiff was paid upon the basis of the amount appropriated with the exception of a small balance, and brought this action for 3 per cent upon the excess. The lower court submitted his claim upon the theory of the quasi-contractual liability of the city and a judgment was entered upon their verdict in the sum of $42,183.56.

In reversing this judgment, and ordering that the trial court be directed to enter judgment only for the balance of commissions upon the $700,000 appropriation, the court applied the generally accepted principle of public law that a city can contract only by the method prescribed by statute, and, having failed to comply therewith, no recovery can be had upon the theory of a contract implied in law. This rule is necessary to preserve the integrity of the statutory limitations (*Zottman* v. *San Francisco*, 20 Cal. 96).

In *Williams* v. *Klemmer*, 224 N. W. 261, the Supreme Court of Minnesota affirmed a judgment in a taxpayer's action for an injunction to prevent the officials of Owatonna from accepting a fire truck which had been delivered to the city, without following the statutory requirements for the purchase of supplies. The court in referring to decisions which permit a recovery upon a quantum meruit in such cases says:

> The rule that, where a city receives and uses supplies or property, so that they are consumed or cannot be restored, the city may be held liable for the reasonable value thereof, should not be extended. Otherwise, it might furnish a convenient method of evading all charter provisions in many cases. The city officials are not the only ones who may object. Where, as here, prompt objection is made by taxpayers before there has been any material use, and no action has been taken in reference thereto except by one or two officials, who had no authority to bind the city, the rule does not apply.

◆

Special Assessments—Direct Liability Upon Bonds Issued.—In the April, 1928, number of the REVIEW, we published an extensive note by Professor F. E. Horack of the University of Iowa attacking the decision of the Supreme Court of Iowa in the case of *Hauge* v. *Des Moines*, 216 N. W. 689, which upheld the liability of the city for special assessment bonds on the theory of its negligence in providing the fund from which, under the statute, the principal and interest were to be paid. In a supplementary note we contrasted this decision with that of the Circuit Court of Appeals, Ninth Circuit (18 Fed. (2d) 860), which in a similar case arising in Idaho held that the city would not be liable. The latter decision has since been affirmed by the Supreme Court of the United States (276 U. S. 536).

The Supreme Court of Iowa, now after the lapse of a year, has withdrawn the opinion then published, and as of April 2, 1929, given out a new opinion as the basis of its decision (*Hauge* v. *City of Des Moines*, 234 N. W. 520). The court now seems to shift the grounds of its decision from liability in negligence to liability based upon the recitals in the bonds, to the effect that "all acts, conditions and things required to be done, precedent to and in the issuing of this series of bonds, have been done, happened and performed in regular and due form as required by law and resolution." We have thus an instance where a state court holds the city to a stricter liability than the federal courts.

We fear that the new opinion is still less happy than the former one in working out a sound basis for its decision in the instant case. The "doctrine of recitals" in municipal bonds was developed to adjust the conflict between the strict construction of municipal powers and the general principles of law relating to commercial paper. But the federal courts have never ventured to apply the doctrine in favor of a *bona fide* purchaser of municipal securities unless the legislature has directly or by necessary implication vested in the officers executing the bonds or notes authority to make the representations relied upon. Not only was there no express authority thus delegated, but the provision of the statute, that the bonds are to be payable out of the special fund and that the city is not to "be liable in any way except for the proper application of said special taxes," negative any inference of such an implied authority. With all due respect to the court, we venture to suggest that the grounds for its decision expressed in the previous opinion seem more tenable than those now published.

*

Power of Municipality to Sublet Its Airport.—Under the statutes of Kansas a "city may acquire by purchase or lease and maintain a municipal field for aviation purposes, and pay the expense of such purchase, lease or maintenance out of the general funds of the city." [1] The City of Coffeyville, pursuant to this authority, leased a tract of land for a municipal airport with the option to purchase at the end of the term. Subsequently the city, evidently not finding it practicable to conduct and manage the airport itself, sublet the entire field to a private individual who, for a stipulated rental and the privilege of charging for services and for the use of the field and hangar space, undertook to maintain a flying school with proper equipment and to operate the field, in accordance with the rules and regulations of the department of commerce, for the convenience of all aviators who choose to use it.

This action of the city authorities was challenged in an original proceeding in *quo warranto* by the state on the relation of the county attorney,[2] and the principal question presented was whether the city had the corporate power to sublet its municipal airport to a private individual. The court in reaching a negative conclusion based its finding upon the general rule for the construction of corporate powers that "Municipal Corporations are creations of law and can exercise only powers conferred by law and take none by implication." [3]

After noting that no express power in the premises was conferred the court concludes that the statutes of the state [4] cannot

> by fair intendment be interpreted to confer upon the city of Coffeyville the corporate power to sublet its municipal airport, nor to confer upon a private individual as lessee of the city the exclusive privilege of managing the municipal airport for his private profit; and the fact that the lease contemplates that the lessee's charges must be reasonable, and that the aviation services he undertakes to furnish must be open to all aviators alike, will not excuse the city's exercise of a corporate power for which there is no statutory authority.

In view of the numerous statutes in the various states authorizing the ownership and operation of airports by political subdivisions [5] and the great number of municipalities that will take advantage of the opportunities to attract the benefits anticipated from the development and expansion of air transportation,[6] many of which municipalities will be in a situation with reference to operation similar to that of the City of Coffeyville, the decision in the case under consideration must be deemed of more than passing significance. This is particularly so when it is recalled that the Supreme Court of Kansas has taken the most favorable and progressive views as to the status of aviation as a municipal activity as expressed in the leading case of the City of *Wichita* v. *Clapp*,[7] which opinion without doubt was instrumental in influencing subsequent decisions in other jurisdictions.[8]

---

[1] Laws 1921, ch. 264, § 12; R. S. 3–110.

[2] *State* v. *City of Coffeyville* (*Kan.*), 274 Pac. 258, decided Feb. 9, 1929.

[3] *Ibid.*, p. 260.

[4] The attention of the court was called to the comprehensive language of the Kansas statute (R. S. 12–101), which declares that the cities of this state shall have power, among other matters, to make such orders concerning the real property of the municipality "as may be deemed conducive to the interests of the city, and to provide for the improvement regulation and government of the same," and also "to make all contracts and do all other acts in relation to the property and concerns of the city necessary to the exercise of its corporate or administrative powers."

[5] See NATIONAL MUNICIPAL REVIEW, Vol. XVIII. No. 4, p. 263, note 3.

[6] According to the *Aircraft Year Book*, 1929, there were 365 municipal airports in operation in 1928, and it is safe to estimate that from the current activities in this field that this number will be more than doubled during the ensuing year.

While the result reached in the instant case may be commended as in accord with general principles, it must be noted that the effect of the decision has been nullified, so far as the letting of airports by Kansas municipalities is concerned, by the enactment of a statute which expressly authorizes that which was attempted by the City of Coffeyville.[9]

It is quite possible, as a matter of expediency in the present stage of municipal airport development, that it would be desirable for municipalities to operate their airports under some sort of a leasing arrangement. That this was anticipated by public officials interested in aviation is manifest by the proposed legislation, authorizing the letting of airports, now pending, or recently passed, in many states.[10]

However the decision in *State* v. *City of Coffeyville*,[11] the case under consideration, is authority for the view that in the absence of express authorization a municipality may not sublet its aviation field for private operation.

H. J. F.

---

[7] 263 Pac. 12, see comment on this case in NATIONAL MUNICIPAL REVIEW, Vol. XVII, No. 4, p. 238, April, 1928.

[8] See NATIONAL MUNICIPAL REVIEW, Vol. XVIII, No. 4, April, 1929, pp. 263–266.

[9] Kansas Laws of 9129 (Senate Bill 159).

[10] Florida (Senate Bill No. 92, 37); Minnesota (House Bill Nos. 1299, 1005, Senate Bill No. 1152); Missouri (Senate Bill No. 476); Nebraska (House Roll No. 424); New Hampshire (House Bill No. 185); New Jersey (Senate Bill No. 214); Pennsylvania (Senate Bill No. 196); Tennessee (House Bill No. 94) permitting lease of portions of field. In Wisconsin, House Bill No. 102 A, permits the letting of municipal airports providing "it shall not be leased exclusively."

[11] See *supra*, note 2.

PUBLIC UTILITIES

EDITED BY JOHN BAUER

Director, American Public Utilities Bureau

Hydroelectric Power in Maine.—Subject to approval by the voters at an election next September, the state of Maine has shifted its policy in respect to export of hydroelectric power for use outside the state.

Under the so-called Fernald Act of 1909, no corporation was permitted to transmit, for use outside the state, any electric current generated by water power within the state; nor could it furnish directly or indirectly to any other party current for such use. The only exceptions to the sweeping prohibition of hydroelectric export applied to railroads using power for their own purposes of train propulsion and to certain other concerns which at the time of the enactment already possessed the right to transmit hydroelectric power outside the state.

This law has been under almost continuous attack since its enactment and has received extensive discussion all over the country. It has been criticized, particularly, because it prevented the development of the state's resources which are not needed within the state but could be profitably developed for sale outside. The legislature this year, by Chapter 280 of the Public Laws, provided specifically for the export of "surplus power" so far as hydroelectric supply is concerned. The statute authorizes the organization of special corporations to purchase, transit and export such "surplus power" as may not be needed for industrial and domestic needs within the state.

Every such export corporation must be organized within the specific terms of the act. The principal limitations are: (1) it may purchase "surplus power" only from "permittees," at prices fixed by the state public utility commission; (2) it cannot itself own or operate any hydroelectric plant or electric company; (3) it may not sell any electricity within the state; and (4) it is not only subject to the specific terms of the act, but is required to make its purchase contracts dependent upon the observance of the terms and conditions of the act.

As to the "permittees," any utility or other party may sell surplus power to any such export company, provided that it has received a special "permit" by the public utilities commission, which, upon petition, hearings and investigation, shall determine whether the particular party has any surplus power beyond the need of the state. Every permittee must comply strictly with the terms of the statute; it must enter into a contract with the state to comply with the terms as consideration for the issuance of the permit, and must make the contract of sale dependent upon the observance of the terms and conditions fixed by the act. The permit fixes the conditions of the sale, including the price as fixed by the commission. Each utility receiving a permit must purchase the surplus power from others within its own franchise territory.

The act contains two special provisions which have a general public interest. First, it fixes a 4 per cent tax upon all of the revenues obtained by the permittees upon the sale of surplus power. Second, it sets up a plan for rural electrification. Every utility which is authorized to sell surplus power is required to expend annually for a term of ten years a sum equal to one-half of the gross receipts, for the construction of rural electric facilities, but is not required to make expenditures outside its own franchise territory, nor in any year in excess of $250,000. This provision may be avoided by order of the commission if the cost of such rural construction is out of proportion to the benefits conveyed and is thus against the public interest.

The new act, if finally approved by the voters, furnishes a comprehensive policy to deal with the development of state water power so as to make provisions for state needs, and to export the excess outside of the state. Whether or not it will work out in a satisfactory manner can be determined only by experience. The machinery of administration appears unwieldy; it is somewhat dubious whether the already overworked public utilities commission, with its extremely limited funds, can manage the large array of details imposed upon it by the new statute.

If the new policy is properly administered it may furnish the way out of the unsatisfactory condition which has prevailed since the enactment of the Federal Law. It will be an interesting experiment. At the outset, however, one wonders what the results would be if the particular policy were adopted generally by all the states with substantial water-power resources. As a long-run proposition, would it be wise to set up numerous state machineries to control the movment of power from state to state, and to permit in each instance the export of surplus power only? Just how should the measure of "surplus" be decided?

Would it be desirable, moreover, to impose a substantial export tax in each state? While technically, as the statute is framed, there may be no constitutional objection to the 4 per cent tax, actually, however, does it not set up real interference with interstate commerce? And is it wise from a broad economic standpoint?

There is, finally, the question whether the extension of rural electrification has any substantial relation to export policy. Will the particular requirement not serve largely to make extensive exports prohibitive? While the state should be congratulated in attempting to work out a comprehensive program of hydroelectric development and utilization, has it not attempted too much within the normal limitations of economic and public policy? The answer cannot be stated dogmatically, and the experience will be instructive to other states.

⁂

And What Are the Limits?—The Federal Trade Commission has made further disclosures of sinister activities directly and indirectly chargeable to the power companies. It uncovered, particularly, the far-flung hidden opposition to public ownership or public development proposals. In California, for example, it brought out the opposition sponsored by the corporations against the "Water and Power Act," placed on the ballot before the voters in 1922 and again in 1924 and 1926.

The power companies of the state were naturally opposed to this public undertaking, and, of course, had full right to their views, if openly and directly presented to the voters. But they resorted principally to indirect and underhanded propaganda, organized, financed and managed through their own paid employees or representatives. They employed a well-known labor leader, at $10,000, to influence other labor leaders against the Water and Power Act, when the State Federation of Labor had previously endorsed the proposal. He was paid openly a salary to further the act, and was hired under cover to defeat it. They reached similarly, through clandestine methods, the representatives of all sorts of organizations throughout the state—civic, social, commercial, literary, fraternal and educational—to influence public opinion, without disclosing the fact that the individuals were in the pay of the power representatives. They increased their newspaper advertising manyfold during the four months of the campaign to obtain favorable editorial comment, or to head off newspaper support of the public measures. A special legislative commission in 1923 uncovered over $500,000 expenditures made by the power companies in 1922 to support the hidden organization and propaganda. These amounts were not reported as required by the election law of the state, and do not include the extraordinary newspaper advertising during the period of the campaign.

Another amazing disclosure was the fact that the International Paper and Power Company has obtained control of thirteen newspapers, or has acquired substantial financial interests in them. The president of the company, Archibald R. Graustein, explained the policy of his organization; how it had shifted its principal activity from production of paper to power; how it has been extended, and how it prospered; that it had acquired the newspaper interests merely to furnish markets for paper, and not to influence editorial and news policy. The sale of newsprint represents only one-fourth, while the sale of power constitutes over 50 per cent of the company's business. Mr. Graustein was an extremely frank and almost naïve witness.

An interesting result of this particular disclosure has been the sharp press condemnation of Mr. Graustein's activity. This includes the moderate and conservative newspapers of New York City. We quote from the *New York Times* as typical:

> The whole foundation of honest journalism is laid on the principle that newspaper ownership should have no interest save in publishing facts and making fair editorial comment on them. Ownership that has a financial interest in the public domain, over which there is steady controversy between private operation and the government, has never proved effective in the manufacture of a disinterested or reliable newspaper. The fact that such type of ownership is usually concealed as long as possible is another proof that it is often disingenuous in its purpose. For all of these reasons the growing tendency of utilities interests to buy established newspapers

is unsettling not only to the press itself, but to men in public life who are the objects of the criticism of the press, and to the public, which must depend on the information it receives from the press.

The prompt consequence of the wide publicity given to Mr. Graustein's transactions, was the almost immediate termination of the financial connection with the Gannett group of papers, which include the *Brooklyn Eagle*, the *Knickerbocker Press* of Albany, and the *Ithaca Journal-News*. Mr. Gannett on May 4 delivered a check of $2,781,158.30 to Mr. Graustein, to repay in full to date with interest, the investment in securities of the above papers. Mr. Gannett observed that the agreement had been made in good faith, and that it was a straightforward and entirely legitimate business transaction, mutually advantageous and desirable. But he recognized the force of the criticism in terminating the financial connections.

This experience shows strikingly what influence the great newspapers have, if it is vigorously directed in support of desirable policy.

*

Contracts Between Holding and Operating Companies.—Among the rapidly growing difficulties in rate regulation, have been the service contracts between operating and holding companies. These contracts provide variously for engineering, financial, legal and other special services which the holding companies may be able to furnish more advantageously for the system-operating companies than could be separately provided by each of the constituent units.

They undoubtedly have a general economic reason for their being, but they have seldom furnished an exact basis by which the costs imposed upon the operating companies can be definitely and satisfactorily measured. To a large extent, therefore, they have served as mediums by which the holding companies could draw profits from the subsidiaries without regard to the actual cost of the services rendered. They have been mostly beyond the control of the commissions, and have been the agencies of abuse in numerous instances.

Among these contracts, there is the well-known arrangement between the American Telephone and Telegraph Company and the local telephone operating units. The former has taken generally 4½ per cent of the local operating revenues for the services rendered. The basis of the particular percentage has been the subject of inquiry on numerous occasions. How it was determined has never been explained by exact statements of cost, but its general legality had been accepted, especially after the decision of the United States Supreme Court in the Southwestern Bell case.

A recent decision by the supreme court of the state of Michigan has presented a new angle in regard to this contract. In Michigan a local utility must be operated through its own directors. In the particular instance, the holding company owns 99.99 per cent of the operating company's common stock. Under this state of facts, the attorney-general of the state brought an ouster action against the local company on the ground that it was managed by the holding company and not by its own directors. This view was sustained by the court, which remarked that the local company is no more engaged by itself in the telephone business, than is an ordinary station agent engaged in carrying on a railroad business of his employer. The two companies are recognized to be essentially one, and one of the purposes of the separate entity was to avoid full investigation and control by the commission.

The result of the decision is not to effect a complete ouster of the Michigan Telephone Company, but to prevent the local company from including the payments made to the holding company in the cost computation for rates. This decision, therefore, paves the way for a thorough inquiry into the actual cost of the services rendered by the holding company, and into the propriety of including the charges in the costs taken for rate-making purposes. It points the way, moreover, for close scrutiny of all the service contracts between holding companies and their subsidiary operating units. While the services may be fully justified, the charges should be based upon reasonable costs, and should not be adopted for rate-making purposes without investigation and determination by the commissions.

*

Subways Rejected by Detroit Voters.—For several years, the city of Detroit has been actively engaged with the establishment of policies to furnish thoroughfares, streets and transportation consistent with the requirements of a metropolitan district that has about a million and one-half population, and is still growing at a rapid rate. Several agencies were employed to work out the "master plan" combining highways, street widening, street railways and rapid transit, to meet properly the present and future requirements of the metropolitan area. Included in the master plan were subway lines to connect the outlying industrial sections with the heart of the city. The estimated cost of the project was $91,000,000. Of this amount, the plan of financing would have placed 51 per cent as an assessment upon adjacent benefited properties, 17 per cent upon the public at large, and 32 per cent upon the riders through fares paid for transportation. On this basis, it was estimated that a ten-cent fare would be necessary to make the system self-sustaining from the beginning of operation.

The subway project was placed before the voters on April first, and was defeated.[1] The reasons for the defeat have not been definitely established, but they seem to include the usual objections on the part of real estate interests against the special assessment feature of the plan. Probably, also, there was opposition to a prospective ten-cent fare, and opposition by districts which had wanted the lines constructed through their own localities, instead of the actually selected locations. And it appears that the groups which were interested in the defeat, came out in full force, while large groups of voters were not particularly concerned and did not come out to vote. Mayor Lodge has ordered the preparation of a new plan, which will probably deal with subways to be used for street-car operation only.

In the placing of a matter of such great importance before the voters, there is always the first question whether the particular plan is the best attainable, whether the public thoroughly understands what is involved, and whether enough effort had been made to bring the facts completely before the public.

---

[1] See article in this issue by Howard P. Jones, entitled "Barber Shop Opinion and Rapid Transit in Detroit."

MUNICIPAL ACTIVITIES ABROAD

EDITED BY W. E. MOSHER

Director, School of Citizenship and Public Affairs, Syracuse University

International Congress in Seville.—The *Municipal Journal and Public Works Engineer* of England summarizes in a series of three articles the content of the program of the Fourth Congress of the International Union of Local Authorities recently held at Seville, Spain. About thirty countries were represented, with a total registration of 180 members. The main subjects discussed were the finances of local authorities, municipal trading undertakings, and compulsory acquisition of land for public purposes.

The papers from the various countries are printed in full with the general report worked out by the reporters. Taken together they constitute a substantial volume of information on the subjects discussed such as it would be difficult to find between the covers of any single book.

In presenting the report on local finances, M. Wibaut of Holland affirmed the need of greater financial autonomy for local authorities, urging that they should be free to control their own budgets and not be compelled to submit them for approval to the central government as is the case in a number of European countries. Regarding capital expenditures he granted the necessity of a certain amount of supervision on the part of the government, but believed that such control should be neither absolute nor rigid.

In the matter of borrowing by local authorities for capital expenditures, the United States seems to be in a unique position in its emphasis on the pay-as-you-go plan. General practice runs in the direction of long-term loans as necessary for "extraordinary" expenditures.

Dr. Oskar Mulert, the president of the German Union of Cities, presented the report on municipal enterprises. He stated that the development of municipal enterprises was dependent upon the amount of discretion conferred upon the municipalities. He grouped England, the United States, France and Belgium together because the theory of economic individualism prevailing in these countries is not conducive to the development of industrial enterprises by the public. Germany, Austria and Italy were cited as examples of countries where public opinion and governmental control permit such development.

The universal motive lying back of economic activities on the part of public agencies is social in character. The number of these undertakings under the control of the public has increased in most countries during recent years.

In summing up the discussion two main points emerged: first, that it is not the function of the local authority to compete with its own inhabitants nor to make profit; and second, that it is the proper function of the municipality to do what it can to further economic development and provide for the necessities of the people by supplying cheap services.

Professor Gascon Y. Marin, the reporter on the subject of expropriation of land, pointed out that the right of acquiring land was formerly based on the idea of sovereignty whereas today it is based upon requirements that grow out of public utility and welfare. According to the reports received from various countries, there seemed to be general agreement as to the rights of local authorities to acquire land for essential needs such as streets, open spaces, and public works, but there was no unanimity as to the propriety of expropriating for such purposes as housing and the like. The possibility of unifying and simplifying the law on this subject appeared to the reporter to be mandatory so that the powers of local authorities might be based on clear legal principles and that a simple procedure might be prescribed.

Some attention was devoted to the question concerning the method of determining the value of land for purposes of compensation. Practices in the several countries regarding compensation vary greatly. In Yugoslavia the exchange system is adopted wherever possible. Out of two hundred and fifty cases of expropriation in Belgrade one hundred have been brought about by way of exchange. The representatives from England emphasized the desirability of securing possession of private land by means of "agreement" rather than resorting to condemnation although it is assumed that with this power in the background voluntary agreements are much more likely to take place.

The problem of permanent and occasional grants to local authorities was made the topic of a special discussion. As in the case of the other topics there was a wide divergence among the countries represented both in practice and in theory. The discussion of grants to local authorities on the part of the central governments centered largely about the effects of these grants upon the autonomy of the local government. The representative from Sweden expressed the desirability of complete financial autonomy for the local authorities and indicated that this practically existed in Sweden where about 80 per cent of the local expenditures are met by local revenues.

The next Congress will take place in 1932 under the auspices of the Municipal Unions of England and Wales. The topics to be given consideration are the actual working of local administration and the training of officials for the local government service.—*Municipal Journal and Public Works Engineer*, April 5, 12, and 19.

✣

Extension Courses.—The German Union for Instruction in the Science of Government recently announced a course for governmental officials, running for three weeks in March in the city of Berlin. The course included lectures, discussions, and inspections of various governmental agencies. The purpose was to give those enrolling in the course an opportunity to gain a bird's-eye view of those governmental reforms that are on the point of being adopted and written into law. Reference was also made to comparable conditions in foreign countries. A special group of lectures was devoted to present-day problems in international law.

The Academy for Public Administration in Berlin also scheduled for the beginning of March a series of lectures particularly adapted to the needs and interests of local officials from foreign countries. This course has now been given several times. It is called a vacation course. A week is devoted to the program in the spring and another in the fall. The program itself is systematically organized over a period of time so that the fundamentals of social, economic, legal and technical knowledge and science will be presented with special reference to public administration. The lectures are given by those engaged in public administration.—*Der Städtetag*, February 26, 1929.

Unemployment and Health.—The ministry of health in England has recently published a report on health conditions in the coal fields of South Wales and Monmouth, England. The purpose of the investigation, which was staged under the auspices of the ministry of health, was to determine the effect of unemployment upon the physical conditions of the population involved. The findings were that there had been no marked change in the infant mortality rate. Tuberculosis figures also showed no *material* change although it was found that there has been a perceptible increase in the number of young people, especially women, who are suffering from an acute form of tuberculosis.

A distinct increase was found in the prevalence of rickets, which was an indication of the lack of quality if not of quantity in the diet of children. Anæmia seems to be more prevalent in some areas, especially among mothers of young children. The diet of unemployed people lacks the proper proportions of protein, mineral salts and vitamins. There is also a dearth of fresh milk except where maternity and child welfare centers are operated.

It was observed that in case of prolonged unemployment the benefits granted by the public are insufficient to pay the rent and provide clothing and necessities for a household of any size after the food has been paid for.—*Local Government News*, April, 1929.

✣

Illumination of House Numbers.—Considerable consideration is being given in certain influential circles of Germany to the importance of illuminating the numbers of each individual house. This is justified not alone because of the convenience to pedestrians and to drivers of wagons and automobiles, but also because it would be a means of reducing traffic accidents, would serve as a protection against robbers and criminal attacks, and would expedite the work of messengers and of the police and fire departments. Several cities, including Hamburg and Breslau, have already made experiments in certain sections of the city with lighting house numbers. So far the results have proved to be entirely satisfactory.—*Reichsverwaltungsblatt*, April 6, 1929.

✣

Tenure of Office.—There was recently appealed to the King's Bench Division the case of an English city official who had been dismissed without notice although he had a contract embodying the provision that he should receive three months' notice in case of removal. The decision has aroused a good deal of commotion among public officials. Because of its importance, representatives of the National Association of Local Government Officials took the matter up with the ministry of health to determine whether the findings of the court were to be accepted as a basis of future policy. The court's decision was based upon a law passed in 1875 which defines the right of town councils in the matter of removals. The judge cited the provision covering the case which includes the phrase "at their pleasure." In view of this it was held that no provision in a contract between an employing council and an employee could take precedence and dispossess the council of its right to dismiss any of its workers without the right to be heard either before or after dismissal. The deputation pointed out to the minister of health that this decision endangered the tenure of all workers for local authorities and would do much toward undermining the prestige and status of local officials. The minister finally advised that the matter should be referred to the Royal Commission on Local Government which is now sitting.—*Municipal Journal,* April 26, 1929.

Recruitment of Local Officials.—Dr. Graham Wallas, professor emeritus of the University of London, expresses the conviction that in view of the reorganization of local government as well as the recent expansion of local governmental functions it has become mandatory to develop a much more rational method of recruiting into the public service. As an initial step he recommends that the facts concerning the methods of appointment now in use in the various local government agencies be secured. He proposes that this might be done under the authority of the Royal Commission on Local Government with the coöperation of the civil service commission, of the professional organizations of doctors, engineers, etc., the National Association of Local Government Officials, and the universities now giving courses in public administration. Additional information should of course be secured at first hand by representatives of the Royal Commission. Dr. Wallas also recommends that the power of the civil service commission might be expanded so that it could take over some responsibility for coping with the recruiting problems of local government officials. This might consist in supplying information and making suggestions continuously with regard to important aspects of recruiting for local services.

GOVERNMENTAL RESEARCH ASSOCIATION NOTES

EDITED BY RUSSELL FORBES

Secretary

Recent Reports of Research Agencies.—The following reports have been received at the central library of the Association since April 1, 1929:

Boston Finance Commission:
Report on the Purchase and Taking by the City of Boston of a Lot for the Purpose of Beginning the Widening of the Street.
California Taxpayers' Association:
Report on Santa Barbara County, California.
Cincinnati Bureau of Municipal Research:
Proposed Permanent Improvement Procedure for Highway and Sewer Improvements.
Kansas City Public Service Institute:
A Report upon an Investigation of the City's Purchasing Methods and Procedure.
Rochester Bureau of Municipal Research, Inc.:
Memorandum on the Assessment of Local Improvements.
Schenectady Bureau of Municipal Research, Inc.:
Report on the Collection of Delinquent Taxes and Assessments.

◆

New Bureau Organized in Baltimore.—The newly organized Commission on Governmental Efficiency and Economy, of Baltimore, Maryland, is an entirely independent corporation, created as a municipal research bureau, but retaining in its title a reminder of the old Municipal Efficiency and Economy Commission, appointed to survey the city government of Baltimore by Mayor Howard W. Jackson in 1925.

◆

California Taxpayers' Association.—A study and analysis of state expenditures for the ten-year period 1918 to 1928 appears in the May number of *The Tax Digest*. This is a general study covering the income and disbursements for the state from 1901 to 1928. It shows in detail the analysis of income into the state treasury and of expenditures. In an early issue of *The Tax Digest* an analysis of the expenditures of the state teachers' colleges for the ten-year period 1918 to 1928 will appear. This study, which was made in considerable detail, for the first time in the history of the state teachers colleges of California presents a long-time analysis of comparative costs for all institutions.

The analysis of the revenue and expenditures of the University of California for the period 1918 to 1928 has also been completed and will soon be published. Valuable information and measurements have been set up and are being supplied to the administrators of the University for their guidance.

The largest county study undertaken by the Association since its organization has been brought to completion and is now in printed form. This is the analysis of the receipts and expenditures of the government of Santa Barbara County for the fiscal year 1927. Consistent with the established policy of the Association of analyzing governmental expenditures with a view to establishing and increasing economy and efficiency, this report shows definitely, in comparable units, what it has been costing to operate the county government. It makes specific recommendations for improvements. A number of the recommendations, such as the employment of a county purchasing agent, the rerouting of school warrants to establish better accounting, the adjustment of the auditor's staff, the better grouping of county offices, and further consolidation of school districts, have already been made effective. A distinct contribution has been made in the Santa Barbara County study in the detailed analysis of roads and bridges.

Rolland A. Vandegrift, director of research of the Association, has been called to Utah to aid the taxpayers of that state in making a survey and study of the state tax situation. Harold A. Stone, chief engineer of the Association, is the acting research director during the leave of absence of Mr. Vandegrift.

✣

Taxpayers' Research League of Delaware.—The almost universal attitude in the state, upon the organization of the League two and one half years ago, that, despite all efforts to improve government, no relief from the existing tax burden could be expected, and that taxes would inevitably continue to rise, is beginning to change in the face of inexorable facts. The recent legislature repealed the real estate tax for schools, estimated to save property owners $400,000 a year, modified the state income tax law with an additional saving of possibly $200,000 more, and assumed responsibility for the redemption of county-road bonds out of existing revenues with an estimated saving to the counties of $600,000, which should be reflected soon in a reduction of county taxes. On top of this, city officials in Wilmington are discussing a possible decrease in the municipal tax rate of 5 or 10 cents. While this change in the tax curve is influenced by many causes, not the least of them is the persistent demonstration of the Taxpayers' Research League for the last two years that state revenues, annually and consistently, were in excess of expenditures.

The executive committee of the League, in conference with Governor Buck and other state officials, have reviewed the coöperative work of the League during the recent legislative session, and have outlined a plan for a two-year program, the major items of which are: (1) supplementary state accounting system to be maintained by the League; (2) a system of budget administration and quarterly allotments supervised by the League, to which state departments and institutions will be asked by the Governor to agree voluntarily; (3) a study of the state's administrative machinery with a view to reorganization; and (4) a study of the entire tax system of the state with a view to its improvement.

Governor Harry Flood Byrd of Virginia will deliver the principal address at the annual dinner meeting of the League on Tuesday, June 4. Governor Buck of Delaware will also be one of the speakers.

✣

Des Moines Bureau of Municipal Research.—The Bureau has spent the last three months in legislative work in connection with the forty-third general assembly of Iowa and has materially aided in the passage of the following measures:

1. *County Appropriation Budget.* While this law finally emerged as an act affecting only Polk County, in which Des Moines is located, and which is the most populous county in the state, it will doubtless be amended in the future to embrace other counties. This bill is far from being a perfect budget measure, but it contains the essential principle of requiring the board of supervisors to appropriate in detail the allowances to the different county subdivisions. It virtually turns over the purse strings of the county to the board of supervisors, in contrast with the former method by which each department spent blindly during the year without knowing how much it ought or could reasonably expend.

2. *Special Assessment Law.* This bill sets up an entire new special assessment procedure for the city of Des Moines and embraces the best features of the Illinois special assessment law. Among its outstanding features are requirements that the city council must have information on all present outstanding assessment against any district to determine whether or not it can stand a new assessment, and that the court must pass on the legality of the assessments prior to the completion of the work, as a means of avoiding the former practice of completing a job and then having property owners tear down the assessment with resulting deficits which fall back on the city.

3. *Aeronautic Bills.* These include two measures which establish rules for licensing airmen and airports, and to permit the cities to finance the establishment and maintenance of airports.

4. A law permitting the board of supervisors to pay an annual salary to a county physician instead of paying a fee for each case. This law restores the former practice of paying the physician on an annual contract by the year rather than paying so much per case, which has amounted to several thousand dollars a year more than on the contract rate.

5. *Additional City Assessors.* Heretofore the state law has restricted the city to two full-time assessors who are physically incapable of handling over 125,000 assessment accounts annually, and permits the city to employ four additional year-round assessors to make adequate and equitable assessments instead of relying on additional temporary assessors.

6. *Sheriff's Perquisites.* One measure was passed which will eliminate the practice of paying the sheriff a straight mileage for his personally-

owned motorcycles and deputies' cars, and will permit the supervisors to purchase for the county its motor vehicle equipment used by the sheriff's office or to make contracts for the use of personally owned vehicles. A companion measure to put the sheriff on a straight $5,000 a year salary and feed prisoners at cost instead of allowing the sheriff 65 cents a day, after passing the House, was buried in the Senate committee.

7. A bill to simplify the sending of notices for weed-cutting assessments by eliminating the requirement of sending them by registered mail which has frequently resulted in the cost of paper work exceeding the actual expense of cutting weeds.

⁂

Kansas City Public Service Institute.—The report on the police department, generally called the Vollmer report, is the basis for some improvements being worked out by the police commissioners. A meeting of various organizations and officials interested in police work is to be held soon to consider plans for putting into effect more of the recommendations made in the report. The report itself is in wide demand throughout the country.

The county government reorganization plan, suggested and promoted by the Institute in co-operation with the Chamber of Commerce, failed to secure any action in this session of the legislature. As a matter of fact, because of the delays in the work of checking the bill by the county court, it never even got to the legislature. Meanwhile, county government costs last year increased enormously. There was a large deficit, and for this year an increase in county taxes has been ordered. There is no excuse, except the inertia of county officials and people of Kansas City, for the present disorganized and inefficient type of county government.

Off and on for a number of months the Institute has been making a study of the city's purchasing methods. During the past month a report on this subject was completed and made public. It showed very bad purchasing methods which undoubtedly are costing Kansas City large sums each year. Incidentally, this report happened to come out on the day that the city manager was insisting that the police commissioners purchase through the city's purchasing department. We do not know just how efficient police purchasing is, but it is highly improbable that it is any less efficient than the city's own purchasing.

National Institute of Public Administration.—The New Jersey legislature, which recently adjourned, made provisions for an extensive survey and fiscal overhauling of the state government. The work is to be done under the direction of Governor Larson with the assistance of a special legislative committee. This committee consists of Senators Frank D. Abell, Emerson L. Richards, and A. Crozer Reeves, and Assemblymen Guy George Gabrielson, William B. Knight, and Dryden Kuser.

Governor Larson has engaged the National Institute of Public Administration to supply the technical services in carrying on the survey and installation work. A. E. Buck of the Institute staff will have general charge of this work, which will extend over a period of several months. The scope of the projected examination is to be much broader than the usual study of this kind. The various departments, institutions, and agencies are to be carefully examined with respect to their organization, personnel, and administrative methods. A thorough analysis is to be made of the existing state tax system and of the miscellaneous sources of revenue. An audit of the general accounts is to be made on the "test check" basis for the latest fiscal year. A central accounting system is to be devised and installed for the state government, embodying methods and procedure for the establishment of budgetary control. A cost accounting system is to be devised for the charitable, penal, and correctional institutions of the state.

Dr. Carl E. McCombs, of the National Institute of Public Administration, and Raymond P. Van Zandt, of the Rochester Bureau, have recently completed a survey of the Buffalo City Hospital, which was made for the Buffalo Municipal Research Bureau at the request of the Buffalo City Council and the board of managers of the City Hospital. The report of 125 pages, with numerous charts, has been the subject of much discussion in the press and elsewhere. The Buffalo Municipal Research Bureau, in view of the general interest in the report, has published it in condensed form for general distribution.

⁂

Taxpayers' Association of New Mexico.—The Taxpayers' Association of New Mexico has added to its staff Mr. Robert L. Ormsbee, formerly deputy state treasurer of New Mexico, whose long experience with public finance will make him a valuable assistant to the director. At the present time Mr. Ormsbee is representing the Association at the school budget hearings held at various county seats. New Mexico has an educational budget auditor, whose business it is to act with two local taxpayers in each county in determining the appropriations for high school and elementary school purposes for the ensuing year. Mr. Ormsbee will be present at the review of these school budgets by the state tax commission during the month of June.

✤

Philadelphia Bureau of Municipal Research.—The general voting machine enabling act, which was drafted by the Bureau and sponsored by the Pennsylvania Elections Association and other civic groups, was passed by the legislature and signed by Governor Fisher on April 18. This act permits any county, city, borough or township of Pennsylvania to use voting machines at all elections at the option of its electors. Voters in Philadelphia and Allegheny counties are preparing to submit petitions to the local authorities to place the question whether voting machines shall be used on the ballot at the election next fall.

On April 22 Mr. Thomas M. Temple joined the Bureau staff as financial secretary. Mr. Temple came from Des Moines, Iowa, where he was financial director of the Iowa Children's Home Society. He served with the Red Cross as general field director in the middle west after assisting the American Relief Administration in Czechoslovakia after the war.

✤

San Francisco Bureau of Governmental Research.—The board of supervisors on April 30 adopted a proposed classification of municipal employments, which covers about 5,200 positions. The work of studying and determining the duties and responsibilities of the various positions, and preparing class definitions therefor and allocating specific positions thereto, has been carried on by the civil service commission since April, 1927. The Bureau of Governmental Research has coöperated on all phases of the work and assigned the full time of two staff members to the work for the whole period. The civil service commission has been requested by the board of supervisors to propose a schedule of compensations to fit the classification of duties and responsibilities, and the commission has requested the Bureau to coöperate with it in this second step of the work.

Field work incidental to a study of organization, policies, methods, and procedure of street reconstruction and repair activities has been completed, and a report based thereon is now in course of preparation.

Bureau representatives are coöperating with a committee composed of San Francisco and San Mateo County citizens on the subject of possibilities of San Francisco-San Mateo consolidation. A lengthy report on this subject, prepared by the Bureau at the request of the local Chamber of Commerce, was issued last August.

Other major operations being carried on by the Bureau staff include final stages of a report dealing with scavenger collection service, rates and regulation, analysis of the San Francisco teachers' salary schedule and various factors affecting this, and analysis of departmental budget requests for the fiscal year 1929–1930.

✤

Schenectady Bureau of Municipal Research.—Joseph F. Base, who has served as the head of the Bureau since its inception in Schenectady, resigned on May 1. Mr. Base left for California where he will engage in civic work of a similar nature. Albert H. Hall, appointed as his successor, has for three years served as an instructor and lecturer in the department of government at Union College. Mr. Hall has also been a Bureau staff member for the past year.

The final report covering a long-term financial and improvement program for Schenectady has been completed. The final draft of the report has been submitted to Mayor Fagal who will transmit same to the common council. The report as submitted bears the unanimous approval of the members of the capital budget commission.

This project is the major one on which the Bureau staff has been engaged during the past year. It not only draws a ten-year financial picture of the city governmental organization, but points out a number of places wherein possible savings and reorganizations may be brought about.

Copies of our report covering the collection of delinquent assessments and taxes have been submitted to the city officials. A letter to the mayor suggested the appointment of a committee for the purpose of drafting a local law to correct the local procedure.

The ordinance covering the new schedule of building permit fees has been legally advertised in the papers and received a public hearing at the meeting of the common council, Tuesday, May 7.

As directed at the last meeting of the board of directors, we have prepared revised copies of our preliminary report covering the care of dependents in the city and county. Copies have been transmitted to the League of Women Voters through the secretary.

We have assisted the secretary of the civil service commission by furnishing copies of examinations covering positions in the fire department. This material will be used in making up questions for examinations about to be held. This is a second similar request for such material, the former one pertaining to the positions in the police department. The material we submitted was used to a considerable extent in making up questions for examinations for patrolmen and officers in the police department. Examination questions for the position of building inspector and inspector in the water bureau were also supplied. The data covering salary trends in the municipal service, which we have been preparing for some time, is now complete and ready for final preparation, with the exception of the department of public instruction.

✣

Toledo Commission of Publicity and Efficiency.—The work of the commission during the last month has centered mainly around traffic. The main results of the survey appeared in *The Toledo City Journal* of April 27 and May 4. Partly as a result, on May 6 the council passed an ordinance providing for limited no-parking in the downtown district between 7 and 9.30 A.M., and 4.30 and 6 P.M. The commission is also advocating and proposing studies demonstrating the possibilities of a progressive traffic light system.

The milk inspection investigation, referred to in these columns heretofore, was brought to public attention through publication of the hearing, and the actual, as compared with the reported, bacteria counts in milk. The newspapers were not interested in the situation, although, from the point of view of public health and a pure milk supply, it was a serious matter.

✣

Utah Taxpayers' Association.—Graphs and other illustrated material, dealing with the manner in which the tax dollar is spent in Utah, are being used effectively in community meetings being held throughout the state under the direction of the research department of the Utah Taxpayers' Association. Much misinformation and many misconceptions are overcome through the presentation of these illustrated facts. The local taxpayer is impressed with the bigness of the tax problem and the importance of his taking active part, under the direction of his local committee, on questions of tax levies, bond issues, and local budgets. By this plan the facts are brought home to the people in their own communities, under their own local leadership and in their own local atmosphere.

NOTES AND EVENTS

EDITED BY H. W. DODDS

Philip Patterson Wells, Ph.D.—In Memoriam.—Those who serve the public interest without taint of self are few. One of the finest of these was Philip Wells.

Phil was a Yale Graduate in the famous class of '89. There he made two great friendships that molded his life to theirs and theirs to his; George Woodruff and Gifford Pinchot.

Wells had a legal-economic training. His culture and ethical standards were worthy of a long line of Puritan ancestors leading back to the Mayflower. That rare combination of splendid scholarship and innate culture he dedicated unreservedly to the public service. He was a silent worker but an effective one.

Since 1906 he worked either as a public officer or as law adviser on legal, economic, administrative and legislative problems bearing on our natural resources and their conservation including electric power.

The Federal Water Powers Act of 1920 and the Mineral Leasing Act of that year are but part of the product of those years. His ideals and legal talent found expression also in the Weeks Forestry Act of 1911 and in the Grant Power Survey Board of Pennsylvania of 1923.

As chief law officer of the United States Reclamation Service and special adviser to the secretary of the interior (Walter L. Fisher) from 1911 to 1913 he revolutionized the policy and practice of the department of the interior putting it on a public interest basis. More than one secretary since has shied away from the public interest but none have successfully assaulted the administrative and legal structural set up through the genius and service standards of Phil Wells.

Phil was one of these rare souls who in season and out of season, though often at a personal sacrifice, worked for the public good, and saw no reason why he should not do so.

Clyde L. King.

◆

Energetic Action Defeats Increase in Fire Insurance Rates in Minnesota.—On June 18, 1928, the General Inspection Bureau, in which all insurance companies (other than mutuals) have membership, filed a fire insurance rate increase with the insurance commissioner of Minnesota. This increase became effective immediately and was of an amount to produce additional revenue for the insurance companies estimated at $414,878 annually.

In order to protest against the increase, the executive committee of the League of Minnesota Municipalities authorized a special committee to investigate the problem and to appear before the state insurance commissioner at a hearing on July 25. At the hearing, the General Inspection Bureau filed a brief in support of this increase—arguing that the new rate was not an increase but an adjustment. The League committee filed a brief in reply.

After considering the testimony and evidence the commissioner of insurance accepted the conditions in the League's brief and filed his order on October 10. This order not only denied the increase of rates, but also, and most significantly, demanded a reduction in some schedules below the amount that was applicable as of June 18. The net reduction below the rates in existence on June 18 was estimated by the commissioner at $151,119 or a total reduction of $560,997. Furthermore the order was made retroactive to June 18, 1928.

It is to be observed that the law (as of 1928) under which the insurance commission is regulated permitted the increase in rates to be effective upon announcement of the General Inspection Bureau. Under this law the hearings before the insurance commissioner could take place only after the new rates were in effect. The General Inspection Bureau was not even required to give prior announcement of an increase. This procedure was considered unfair. As a result, a special committee of the League of Minnesota Municipalities, coöperating with other interested agencies in the state, prepared a bill for presentation to the 1929 legislature to require that no increase in rates could take place in the state, in any zone, city, village, town, county or other political subdivision, without an order of the insurance commissioner approving the same. The bill furthermore provided that when an application for an increase in rates is filed, the commissioner shall order a hearing and give notice by mail and by publication at least three weeks in advance of the date of the hearing; after the hearing the commissioner is required to file his order granting or denying the rate as he determines. In other words, this bill provides for an orderly and logical procedure in the filing of a request for increase in insurance rates and may prevent an increase arbitrarily ordered by the General Inspection Bureau.

This bill was endorsed by the League Legislative Conference in February. It was passed in the Senate with only slight opposition. In the House, however, the bill, within ten days prior to the adjournment of the session, was actually defeated by a vote of fifty to forty-four. Forces favoring the bill were able, nevertheless, to obtain reconsideration and by quick thinking to place the bill again on general orders. A period of rapid education resulted in the final passage of the bill in the House during the closing session of the legislature by a vote of eighty-seven to nine. The bill has since been signed by the governor.

MORRIS B. LAMBIE.

✣

A Charter for the Metropolitan City of Pittsburgh.—On April 20, the governor of Pennsylvania signed a bill providing for the consolidation of the 122 cities, boroughs and townships in Allegheny County into a metropolitan "City of Pittsburgh."

This is the culmination of six years effort on the part of the Metropolitan Plan Commission, appointed by the governor in 1923 upon authorization by the legislature, to find an acceptable solution for the governmental problem of Allegheny County. The county is composed of Pittsburgh, with an area of about 50 square miles and about 650,000 inhabitants, and 121 other municipalities—three third-class cities, 65 boroughs and 53 townships, varying in size from .14 square miles to 31.97 square miles and from 212 inhabitants up to 53,550. Unlike most suburban communities which are but residential outgrowths of a mother city, these units, with few exceptions, are practically independent economically, though their own natural expansion and the development of the highways have created their proximity and common problems.

The foremost consideration of the commission has been the development of a larger city that would satisfy the aspirations of Pittsburgh for expansion and at the same time preserve the cherished local autonomy of the smaller municipalities. The commission was appointed after a historic battle between the champions of these conflicting interests, and is composed of twenty-four men, five representing Pittsburgh and nineteen the other units. It is headed by Joseph Torrence Miller, also president of the League of Boroughs and Townships of Allegheny County, who has devoted himself unsparingly to this effort.

The first step in the program was the adoption of a constitutional amendment permitting the submission of a charter. This was approved by two succeeding legislatures and carried in the popular election in November. The majority in Allegheny County of 85,423 was overwhelming.

With the aid of Professor Thomas H. Reed of the University of Michigan, as director of research, who had been at work on the problem a year in advance, the commission then undertook the drafting of a charter which was presented to the governor and legislature in March.

The charter will be submitted at a special election in Allegheny County on June 25. To become effective it must receive a two-thirds majority in a majority of the municipalities as well as a majority vote in the county. It provides that after January 1, 1930, the whole area of the county shall be known as the "City of Pittsburgh," but the cities, boroughs and townships shall retain their names and continue to govern themselves independently in all but a few matters which are essentially of metropolitan scope. Upon the expiration of the terms of the three present county commissioners, January 1, 1932, the consolidated city is to be governed by a board of seven commissioners elected at large but residents of specified districts. In addition to the powers now possessed by Allegheny County, probably the most important feature of the charter is the grant of power to the board of commissioners to create districts composed of more than one municipality and with the approval of the district to levy special assessments for improvements therein upon abutting and nonabutting property. The charter also provides many improvements in the financial practices of the county, for a metropolitan transit department, and for control by the consolidated city of through-traffic highways.

The commission had hoped to accomplish additional improvements, such as consolidation of the welfare departments of the city and county, establishment of a department of personnel, and revision of the minor court system, but the vigorous opposition of the numerous political authorities of the community threatened the defeat of the entire project unless some modifications were made.

By another act of the legislature, the Metropolitan Plan Commission has been continued for two years more, for further study, and is expected to report its suggestions for improvements to the measure originally adopted.

DORIS DARMSTADTER.

✣

City Managers' Association Moves to Chicago.—On June 1, Clarence E. Ridley will succeed John G. Stutz as executive secretary of the International City Managers' Association and editor of *Public Management.*

At that time, the headquarters will be moved from Lawrence, Kansas, to quarters furnished by the University of Chicago, adjacent to its Campus, at 923 East 60th Street, Chicago, Illinois. Mr. Ridley, in addition to his duties with the Managers' Association, will become associate professor of political science at the University of Chicago, and will give part time to University teaching and research.

Mr. Ridley was at one time vice president of the Association and has been active in its affairs for the past eight years. His academic training has been varied and interspersed with periods of active administrative service in various cities, including four years as a city manager. Degrees were granted Mr. Ridley from the University of Michigan in 1914, Columbia University in 1921, and the School of Citizenship and Public Affairs, Syracuse University, in 1927. For the past two years, Mr. Ridley has been a staff member of the National Institute of Public Administration, New York City, from which position he will resign to take up his new duties on June 1.

Mr. Stutz, who has served the Association so well as secretary for the past six and one-half years, resigns in order to devote his full time to the Kansas League of Municipalities which he has served as part-time secretary for many years.

✣

New Election Code for Ohio.—Ohio will have a new election code on January 1, 1930. After twelve years of repeated efforts by the Citizens' League of Cleveland, the general assembly has enacted a complete new election code originally drafted by the League but considerably modified in the process of enactment.

The new code as finally enacted and signed by the governor consists of 150 pages and 139 sections of printed matter. It reduces the old election laws to one third of their present volume, omits nothing of importance from the old laws, and adds many new provisions to the election procedure.

The committee which framed the measure wanted to go much further in the direction of more progressive election methods and less partisan control of election machinery; but it realized that if a new code were to be adopted it would have to be "very regular" and could not contain too many new provisions. A number of the more progressive features were eliminated, such as the Massachusetts or office group form of ballot, September primaries, and modern provisions regarding the organization of political parties. Nevertheless, the new law contains enough new features to mark it as a distinct advance over the present confused, conflicting and expensive election machinery of the state.

The more important new features of the new code are these:

1. The secretary of state as the chief election officer is given greatly added authority to issue instructions, investigate election frauds, and control the conduct of elections in the state.

2. The boards of elections in the counties are placed under better budget control.

3. Permanent registration is provided whereby, after three days of registration at the polling places in 1930, a voter need not again register until he changes his place of residence. He can then change his registration at any time during the year by mail or by appearing in person at the office of the board. An annual check-up by the police and fire departments is made optional.

4. Nomination of candidates can be made either at party primaries or after the primaries by the filing of petitions. The separate primaries in presidential years have been combined into one primary in May.

5. Three ballots will be used at regular elections: the party column ballot, the non-partisan ballot, and the issues ballot. The non-partisan ballot will contain the names of candidates for judicial, school board, and municipal offices. The issues ballot will contain all issues of whatsoever kind submitted to the voters and there will be only one form of statement for all of the issues.

6. Every voter in registration precincts will be required to sign his name to the poll lists before receiving his ballot. This follows the New York law.

7 Challengers and witnesses at the primaries and elections are permitted for every candidate

or group of persons supporting candidates or issues.

8. A simple recount of ballots is provided whereby any candidate or elector may deposit $10 per precinct with the board of elections and have the count in as many precincts recounted as he may desire. If 3 per cent error is shown, the money is refunded.

9. The whole procedure in a contest of elections is simplified and made easier and more effective.

10. Optional provisions are included for the adoption of the voting machine by petition and a majority vote of the people.

11. The penalty provisions have been greatly strengthened and increased.

The party leaders, and particularly the boards of elections in the various counties, were disposed, as usual to oppose the bill and on numerous occasions during the session the supporters of the new code feared that the measure would follow the course of former proposed election codes and be buried in committee. But the new Governor, Myers Y. Cooper, gave the measure his unqualified support. His assistance, together with the loud demand for election reforms following the election exposures in Cuyahoga county, was sufficient to put the measure across with the many new features which the bill contains.

The new measure is a vast improvement over the present election laws and will, it is estimated, result in a saving of approximately one million dollars in the cost of elections in Ohio.

MAYO FESLER.

✣

Permanent Registration for Michigan.—Under the leadership of Senator Claude H. Stevens of Detroit, the Michigan state legislature finally adopted a revision of certain provisions in the state election code in which a new system of permanent registration is established. A special commission of three members appointed by Governor Green prior to the legislative session made a study of election problems and recommended to the legislature adoption of permanent registration.

Leadership in the Michigan movement was given by the State League of Women Voters. The League was assisted in its educational program by Prof. Joseph P. Harris, University of Wisconsin, and Prof. James K. Pollock, Jr., of the University of Michigan. The Detroit Citizens' League, through its secretary, was responsible largely for handling the bill in the legislature. The League of Women Voters deserves special commendation for the restraint it showed in its lobbying program. With forty local leagues in the state the women refrained from lobbying tactics at Lansing, having been assured that the bill would be safely handled by the legislature with the moral support of the governor's special commission and of the few members of the legislature who had investigated the subject and declared themselves favorable to the new plan.

Vigorous assistance in the enterprise also was given by Oakley E. Distin, chief supervisor of the Detroit Election Commission. Mr. Distin's long experience in this field had convinced him that permanent registration was desirable. His influence began with his own election commission and extended to several important committee meetings at Lansing.

Heretofore Michigan cities having a population of 5,000 or more have been required to make a new registration in every presidential year. This left small communities with archaic election rolls, which in some cases were discovered to be encumbered with a large majority of the names of persons who were either dead or had removed from the community. It was shown that the small communities therefore had had for many years a system of permanent registration in name, which was utterly lacking in corrective methods of checking up the lists. It is now provided that in all election units continuous check-up methods be practiced.

The new system goes into operation with the presidential election of 1932. Voters will be registered on duplicate cards which will form the registration lists, and, what is regarded as most important of all, every voter when registering must sign his name to the registration card as a means of identification.

W. P. LOVETT.

✣

Grand Rapids Takes Leap in the Dark by Appointing Political Boss City Manager.—Grand Rapids, Michigan, known the world over as the Furniture City, has attracted attention during the past twelve years with its frequently controversial administration of the city manager plan. Now Grand Rapids, one of the first large cities to adopt the manager plan when it was still in the experimental stage, is making another experiment which is bound to attract wide interest.

George W. Welsh, for many years the consistent critic and bitter opponent of the manager plan and all its works, has been elected city manager by the commissioners, at a salary of $12,000. His election came as a surprise after several years of bitter political controversy during which Fred H. Locke, city manager, and the city commissioners were consistently attacked by Welsh in his weekly paper, the *Grand Rapids Chronicle*. Though Welsh has made no secret of his belief that the city should return to the ancient partisan, aldermanic, ward system, evidently he will now be forced to show what he can do when he has full managerial power.

Welsh has spent practically his entire life in Grand Rapids, coming up from the streets as a newsboy and finally landing in the office of lieutenant governor of the state. Last fall he was an unsuccessful candidate for governor. He belongs to the old régime of political conservatism which has now largely passed in Michigan. His attacks on the Grand Rapids charter system have given much anxiety to the leaders who secured adoption of the plan in 1916. The charter is unusual in some details, such as the choice of the seven commissioners—two from each of the three districts, and the seventh, known as mayor, chosen at large.

Whether Welsh was elected by his friends or his foes seems to be not entirely clear. He announces he will accept only one dollar a year as salary, although the commission, after voting the one dollar per year salary, four to three, reconsidered and unanimously voted to place the salary at $12,000—a rather high figure for Grand Rapids, which has consistently paid its city officials subnormal salaries. Welsh has announced that he will turn over his salary to an assistant manager.

Welsh's election was opposed by Mayor Elvin Swarthout and two of the commissioners, both of them new members of the commission. The election came without remarks from a single member of the commission. Mayor Swarthout said: "I have nothing to say. I'm going home to pray." City Manager Locke, whose resignation became effective with the election, on walking out of his office after the meeting, said, "All I have to offer is a big laugh." Locke inherited the job after Gaylord C. Cummin had been the first manager for a year or more, succumbing to attacks by Welsh and his associates. Impartial observers have commended the services rendered by Manager Locke and by Mayor Swarthout, who has been on many occasions an active leader in the policy-determining body.

W. P. Lovett.

✣

New Zoning District in New York City.—The zoning resolution is accompanied by three maps of the entire city—one showing allowable heights of buildings, another showing allowable areas or bulks, and another showing allowable uses. The last, called the use map, originally showed residence districts, business districts and unrestricted districts. Now it shows four kinds of districts because on April 18, 1929, a new kind of district was established by the board of estimate on this map called the retail district. In this district only 5 per cent of the floor space can be used for manufacturing articles to be sold at wholesale although 25 per cent can be used for manufacturing articles to be sold at retail on the premises. Thus far there is only one retail district. It lies in the center of Manhattan between Madison Square and 50th Street. Other such districts may be created from time to time by the board of estimate in any part of the city. The regulations of this new district are not retroactive but apply to space newly built or newly used after April 18.

This new district has been under discussion for about five years. The name retail was early attached to it although it might have been more accurately called a merchandising district because the regulations allow wholesale merchandising as well as retail. The intention is to prevent in this district the increase of industry. Increasing industrial use brings more industrial workers and more industrial trucks into this central area, the roadways and sidewalks of which are now congested almost to the limit. It is a step in advance in making central Manhattan a high-class merchandising emporium for the whole nation.

Edward M. Bassett.

✣

Constitutional Amendments Proposed by New York Legislature.—For the second time since the close of the World War, the voters will be asked to consider at the November election the question of a further extension of preference to war veterans in connection with civil service appointments and promotions. Under the proposed amendment to the state constitution passed for the second time at the late session, any honorably discharged soldiers, sailors, marines or nurses of the Army, Navy or Marine Corps of the United

States disabled in the actual performance of duty in any war to an extent recognized by the United States Veterans' Bureau, who are citizens and residents of the state and who were such upon entrance into the military or naval service of the United States, and whose disability exists at the time of application for appointment or promotion, shall be entitled to preference in appointment and promotion.

The scope of this proposal is not as broad as the amendment which was overwhelmingly rejected by the voters in 1921, but the same principle is involved and it is certain to be actively opposed by those who believe this method of caring for or rewarding those who incurred disability in serving their country in the Great War is a mistake because of its bad effect upon the application of the merit principle in the civil service.

Four other proposed amendments to the state constitution will be voted on at the November election. They are:

Restricting legislative interference in any new forms of county government which may be adopted in Nassau and Westchester counties;

Authorizing the state to borrow funds for the suppression of forest fires;

Authorizing the legislature to provide for taking the votes of inmates of United States Veterans' Bureau Hospitals;

Authorizing the transfer of the powers of Justices of the Peace to inferior local courts of criminal jurisdiction.

Under a proposed amendment to the Constitution which was passed for the first time this year and which, therefore, must be referred to the legislature chosen at the next election of senators before its submission to the voters, a change would be made in the "bill of rights" section of the constitution. This amendment would provide that a person held to answer for a felony may waive prosecution by indictment and the intervention of a grand jury. This is one of the changes in the basic law advocated by the state crime commission.

R. E. McGahen.

New York Citizens' Union.

COPIES OF 1928 INDEX WANTED

THE demand for the 1928 Index to the National Municipal Review has exceeded the supply. Therefore we shall appreciate the return of the Index from any libraries which are not using it. When requested we will pay 25 cents for each copy returned. Address the National Municipal Review, 261 Broadway, New York.

NATIONAL MUNICIPAL REVIEW

PUBLISHED MONTHLY BY THE

National Municipal League

VOL. XVIII, No. 7 JULY, 1929 TOTAL No. 157

CONTENTS

EDITORIAL COMMENT . . . . *H. W. Dodds* 431
THE NEW YORK REGIONAL PLAN AN ACCOMPLISHED FACT . . . . *Arthur C. Comey* . . 435
THE LOS ANGELES MUNICIPAL EXHIBIT . . . . *Roy A. Knox* 437
CONNECTICUT JUDICIAL COUNCIL REPORTS . . . . *Lane W. Lancaster* 440
THE EXTRA-MUNICIPAL ADMINISTRATION OF RADBURN . . . . *Charles S. Ascher* . . 442
GLASGOW THE PRACTICAL . . . . *Harlean James* 447
CONSOLIDATION OF NEW YORK CITY HOSPITALS . . . . . *Carl E. McCombs* . . 451
KANSAS CITY STUDIES ITS POLICE DEPARTMENT . . . . *Walter Matscheck* . . 453
THE O'FALLON CASE — THE DECISION AND WHAT IT PORTENDS . . . . *John Bauer* 458
PROGRESS TOWARD METROPOLITAN GOVERNMENT IN CLEVELAND AND CUYAHOGA COUNTY . . . . *Leyton E. Carter* . . . 464

DEPARTMENTS

I. Recent Books Reviewed 471
II. Judicial Decisions . . . . *Edited by C. W. Tooke* 475
III. Public Utilities . . . . *Edited by John Bauer* 477
IV. Municipal Activities Abroad . . . . *Edited by W. E. Mosher* 481
V. Governmental Research Association Notes . . . . *Edited by Russell Forbes* 484
VI. Notes and Events . . . . *Edited by H. W. Dodds* 487

The contents of the NATIONAL MUNICIPAL REVIEW are indexed
in the *International Index to Periodicals*

GRIFFENHAGEN & ASSOCIATES, LTD
BUREAU OF PUBLIC SERVICE

Consultants and active assistants on the administrative and financial problems of public bodies in programs of review, audit, and constructive improvement; seventeen years of experience in the service of officials, legislators, and citizen organizations

HEADQUARTERS OFFICES 155 EAST SUPERIOR STREET, CHICAGO
EASTERN OFFICES MILLS BUILDING, WASHINGTON, D. C.

THE LEAGUE'S BUSINESS

AUDITOR'S REPORT

NATIONAL MUNICIPAL LEAGUE

Balance Sheet, March 31, 1929

ASSETS

Cash:			
In bank:			
Treasurer's account		$1,784.68	
Secretary's account		1,408.18	
		$3,192.86	
Less: Cash on deposit for account of:			
Municipal Administration Service	$1,547.63		
Portland Prize Fund	13.30		
		1,560.93	
		$1,631.93	
On hand		3.24	
			$1,635.17
Furniture and fixtures		$2,304.56	
Less: Reserve for depreciation		460.65	
			1,843.91
Portland Prize Fund:			
Investments (at cost):			
$100 City of Lyons 6% Bonds due November 1, 1934		$99.20	
$500 Continental Oil Company 5¼% Debentures due November 1, 1937		487.50	
Uninvested cash		13.30	
			600.00
Accrued interest on bonds—Portland Prize Fund			13.44
Total assets			$4,092.52

LIABILITIES

Accounts payable		$3,904.17
Portland Prize Fund		600.00
Total liabilities		$4,504.17
Deficit:		
Balance April 1, 1928	$681.17	
Less: Net income for the year ended March 31, 1929	269.52	
		411.65
Total liabilities, less deficit		$4,092.52

STATEMENT OF INCOME AND EXPENSE
For the Year Ended March 31, 1929

Income:			
Contributions			$20,693.03
Dues:			
Annual		$6,061.50	
Sustaining		4,225.25	
Contributing		599.50	
			10,886.25
Subscriptions to the Review			2,204.36
Sale of publications			3,132.83
Advertising			298.00
Miscellaneous			397.26
Total income			$37,611.73
Expense:			
Salaries:			
Administrative	$11,297.57		
General	7,962.50		
		$19,260.07	
Printing Review		7,531.32	
Other printing and office supplies		3,463.99	
Postage, rent, telephone and telegraph		5,315.95	
Depreciation of furniture and fixtures		59.60	
Auditing		200.00	
Prizes		125.00	
Traveling		261.17	
Miscellaneous		746.56	
Total expense			$36,963.66
Net income			$648.07
Less: Other deductions:			
Adjustment of furniture and fixtures—account of change in method of depreciation		$353.05	
Liberty Bond interest accrued in error March 31, 1928		25.50	
			378.55
Net income for period			$269.52

Searle, Oakey & Miller.

25 Broad Street, New York, May 2, 1929.

NATIONAL MUNICIPAL REVIEW

Vol. XVIII, No. 7 JULY, 1929 Total No. 157

EDITORIAL COMMENT

The Pittsburgh metropolitan district charter was rejected at a special election on June 25. As this issue went to press, reports from 117 of the 122 governmental units involved, indicated that only 47 approved the charter by the necessary two-thirds vote.

*

"The National Municipal Review contains much that is helpful and interesting to myself and several other members of the staff, and to this division as a whole."

"In a recent brief which we filed in the Supreme Court of California in the case of *Hurst* vs. *City of Burlingame*, which related to an unreasonable zoning ordinance, we quoted in full the comments of Professor Tooke in the December, 1927 and the July, 1928 issues of the National Municipal Review concerning certain zoning decisions."

The first paragraph above is from the letter of a bureau official in Washington; the second is from the letter of a prominent attorney in California.

Unsolicited evidence of the usefulness of the Review is encouraging. Our authors work for nothing, but they can be reassured that their labor is a public service duly appreciated by those engaged in operating our national, state and local governments.

New York Regional Plan Announced

Seven years of organization, fact finding and compilation, and the expenditure of $1,000,000 have borne fruit in the Regional Plan of New York and Its Environs which was announced to the world on May 27. The area covered is that, roughly speaking, within a fifty-mile radius of the City Hall of New York. Of this territory 2,895 square miles are in New York state, and 2,633 in New Jersey and Connecticut. The plan is the realization of the vision of the late Charles D. Norton, who believed that no plan was worth recognition which did not include the whole area in which New Yorkers earn their livelihood and make their homes. It was made possible through the generosity of the Russell Sage Foundation. Thomas Adams, who is well known to the readers of the Review, served as general director of the enterprise.

The contents of the plan are discussed in this issue by Arthur Comey. They include a plan for major highways, one for parks and boulevards, one for suburban rapid transit and one for trunk line railroads and terminals. Waterway systems, airports, land uses, and zoning are also considered.

Space forbids publication of any of the details in this department of the Review. For them the reader must turn to Mr. Comey's article. The completed plan imposes a heavy responsibility upon the political units which are the New York region. No semblance of a consolidated government exists to put it into execution. Doubtless objections to various phases will be made in many quarters. With the best of luck and the most sincere spirit of coöperation, years will probably be required before great constructive changes can be made. For this reason the plan came not a moment too soon. But the task remaining calls for a supreme form of statesmanship to persuade the scores of independent authorities to unite in removing the legal and financial difficulties in making the planners' vision a reality.

*

Death of William A. Bassett

It is our sad duty to announce the death of William A. Bassett, who passed away suddenly on May 16 at the Homberg Infirmary in Cambridge, Massachusetts. He had been injured in an automobile accident, but was thought to be recovering when a sudden turn for the worse developed. Mr. Bassett was graduated from Harvard in 1901. As a construction engineer and research expert he had been associated with many large enterprises. From 1901 to 1904 he was employed by the Pennsylvania Railroad, and for the next two years served in the city engineering department at Pittsburgh. He then became a member of the faculty of the Carnegie Technical Institute and later assistant chief editor of the *Engineering Record.* To the readers of the REVIEW he was best known as the staff engineer of the New York Bureau of Municipal Research, where he served for more than a decade. For several years he was editor of the engineering department of the REVIEW. In 1927 he left New York to become director of municipal and industrial research at the Massachusetts Institute of Technology. The work which he was developing rapidly was a new departure which offered rich promise in the application of research to community problems.

Bill was a jovial friend, loved and respected by everyone in the research movement for his extensive knowledge of municipal engineering and for his never-failing good nature. He was a veteran in the Governmental Research Association, whose ability as an engineer was seasoned by a broad understanding of government and a deep human sympathy. The cause of city betterment has sustained an irreparable loss in his passing. The sympathy of all goes out to Mrs. Bassett and the son, who survive him.

*

Cleveland Considers Abandoning Manager Plan

Voters of Cleveland will go to the polls on August 20 to approve or reject a charter change which will permit abandonment of the city manager form of government and return to the old mayor-council plan.

While manager plan adherents are hopeful that they will be able to show the electorate in the next two months that the plan has not failed, that the trouble has been one of men and not of structural organization, impartial observers are anticipating a victory for the mayor-council form.

The Cleveland situation is so involved politically, it is emphasized, that only a piece of remarkable campaign strategy between now and election day can save the manager plan. Whatever may be the outcome, however, results to date in the largest city operating under the manager plan point clearly to the vital importance of the council in this scheme of government.

It is the keystone of the arch, without which the entire structure falls.

Bad as things have been in Cleveland, it is interesting to observe, on the other hand, that the corruption so far has not involved the manager's office. Indeed, the reduction of unit costs of government and the comparative freedom of the administrative organization from graft, far from indicating failure on the part of the manager plan itself, illustrate what the plan may accomplish in the face of overwhelming odds.

Should Cleveland abandon the plan, it would be making the mistake of a man who went back to a horse and buggy because he had had one accident with a motor car!

*

Excess Condemnation as an Aid to Housing Mayor Walker of New York has renewed his proposal, made two years ago, to utilize the power of excess condemnation to provide model tenements on the East Side. His scheme is to widen two parallel streets for several blocks and in so doing condemn the intervening land by the power of excess condemnation and lease it, under restrictions as to rentals, to private individuals who will build tenements thereon. By this means it is anticipated that apartments can be built to rent for eight to twelve dollars per room.

The mayor now states that 80 per cent of the owners have agreed to sell their lands at a reasonable rate to the city (the price reported being 25 per cent above assessed value), and that it will be necessary to employ condemnation only with respect to a small fraction of parcels. He is now trying to interest John D. Rockefeller, Jr., in the undertaking, and hopes thereby to obtain the necessary money at an interest rate of 5 per cent.

In the REVIEW for November, 1927, the whole plan was described and criticized by Lawson Purdy as being a use of the power of condemnation never anticipated by the sponsors of the constitutional amendment adopted in 1913. The power to lease land so acquired under restrictions limiting its value was questioned. Mr. Purdy concluded by saying:

> Such a plan as is proposed for limiting rentals will, if carried out, be no more than a sterile investment which will pauperize some few people and do nothing by way of example to induce further improvement.

He admitted that bad spots can be cleared up through street widening and excess condemnation, but did not agree that the excess land could be used to provide subsidized housing to a selected few.

It is possible that the problem of housing the unskilled wage earner in congested parts of our big cities cannot be solved by private enterprise, even with such assistance as the new state housing law of New York provides. Perhaps we shall be compelled to adopt the European policy of public subsidies. If so, London's experience should be carefully studied and a well-rounded program developed. Subsidies may be necessary. If so, we want to know definitely where the new policy is leading, and we want to make sure that it is applied equitably.

At best the mayor's plan depends upon the coöperation of philanthropic rich men. There is nothing in it which makes tenement house building for low rentals attractive to business, and it does put the principle of excess condemnation to a questionable use.

As an interesting side light it may be noted that the mayor has not presented his proposal to his big city plan committee, created at the beginning of his term under brilliant promises of what it would mean to the city.

Grand Rapids and the Manager Plan The political pot has been boiling in Grand Rapids since the resignation of City Manager Locke and the election as manager of George W. Welsh, ancient opponent of the manager plan and contender for the leadership of the Republican party in Michigan, as reported on page 428 of the June REVIEW. Welsh is now serving as manager, but is accepting only one dollar of the $12,000 yearly salary which goes with the post. The rest he is turning over to an assistant manager.

Like most cities Grand Rapids hates to pay taxes, but, like other cities, the scale of her living has been forced upward with consequent increases in expenditure. Not all such increases, unfortunately, have been included in the budget, with the result that the city has accumulated a floating debt of almost $400,000. In addition there has been a failure to make proper payments to the sinking fund with a resultant shortage in it of more than $400,000.

While the city has not been defrauded of funds, there has been mismanagement of her finances. She has not been enforcing a balanced budget and the consequences are now being utilized by the enemies of the manager plan. Moreover, the situation has been complicated by issues of state politics. Frank D. McKay, who lives in Grand Rapids, is the principal political boss of the state. He finds in Welsh a strong opponent for state honors, and it is possible that the latter's desire to strike a blow at McKay had something to do with his attitude towards Manager Locke and the persons supporting him.

The moral is too obvious to need elucidation. Accumulation of floating debts of which the voters were ignorant (no adequate accounting system was in force, nor had an audit of the books been made for some time), and failure to maintain the sinking fund properly have been common enough in our municipal history. They are evils which manager government was designed to prevent. When it fails to do so, popular indignation is deservedly greater than it would have been with the old forms in existence.

Grand Rapids faces a period of economy and retrenchment. Welsh has the ability to make a good manager if he sees fit to do so. For Grand Rapids' sake it is to be hoped that he will.

*

R. W. Rigsby, for eight years city manager of Durham, North Carolina, has resigned to accept a similar post at Charlotte. Mr. Rigsby is the president of the City Managers Association and one of the outstanding figures of the profession. He has been the only manager which Durham has had, and his resignation has brought expressions of regret from many citizens. The Durham *Morning Herald* states that he has been a great help to the city, and credits him with leadership in a huge improvement program which has made Durham one of the important municipalities of the state.

THE NEW YORK REGIONAL PLAN AN ACCOMPLISHED FACT

BY ARTHUR C. COMEY
Cambridge, Massachusetts

After seven years of gigantic labor a comprehensive plan,[1] *based on a wealth of detailed observation, is now available for the New York area.* :: :: :: :: :: :: :: :: :: ::

The final results of seven years of collecting information, establishing principles, studying tendencies and planning a multitude of details, with an expenditure of over $1,000,000, are now collected in a single comprehensive plan for the region about New York City. It well repays this great effort. While couched in conservative language, the plan proposes revolutionary development of existing facilities.

To be sure, the long-haired social reformer will find in the plan no cures or even preventives for many evils seemingly inherent in the aggregation of vast numbers of human beings on a single area of moderate size. The Committee on the Regional Plan at the outset accepted certain premises, such as that the population in the great region of 5,500 square miles would continue to grow, irrespective of planning or lack of planning, to probably double the present population of 10,000,000 within about thirty-five years. To anyone who does not accept this thesis the report is barren.

On the other hand the Committee boldly states that it is essential for the public welfare (1) that standards of health, comfort and safety should be raised in so far as compatible with true economy; (2) that movement of street traffic should be fast, little interrupted, and should have ample space for parking; (3) that residence and industry should be close enough to lessen unnecessary travel, yet adequately separated; and (4) that concentration of building bulk should not be greater than that most efficient for the use of the building,—this to be secured by adequate open space. They also state that increase in population and bulk of buildings do not in themselves produce wealth, nor do increased land values based on crowding indicate prosperity.

In discussing congestion, the report quotes with approval Frederick Law Olmsted, who was one of several noted planners engaged for a preliminary report to the Committee in 1925: "We are now at a period in the history of civilization and of population densities when there is manifest danger of seriously overrunning the optimum densities, especially in great cities; and therefore the benefit of any doubt should be given to measures which tend to check increases in density of population and concentration of human activities rather than those of reverse effect. Any economic adjustments are dangerous, at such a time, which needlessly remove any of the economic burden involved in greater densities of population or in such related matters as *the increase of centripetal transportation*, from those who receive special benefits from such increases and in response to whose choices they continue." (Italics the reviewer's.)

---

[1] Editor's Note:—The title of the final report is *Atlas and Description of the Graphic Regional Plan.* Volume 1, Regional Plan of New York and Its Environs; New York, 1929.

The plan is unofficial, its object to help the people and governing bodies of the region so to direct the future urban growth as to secure the greatest practical welfare for the inhabitants. This includes a coördinated system of communication, well-balanced distribution of land uses, and such order and beauty in building and preservation of spacious natural environment as will conduce to wholesome living and working conditions.

In this brief review only a few high lights of the recommendations can be touched upon. An extensive system of belt lines for the trunk line railroad system will ring around the inner metropolitan area still further, with thirteen union passenger terminals within a ten-mile circle. An independent suburban rapid transit system, many hundreds of miles in length but occupying in large part existing railroad rights-of-way, is designed to serve every district within twenty-five miles of the center.

The even more extensive system of highways is designed to utilize chiefly existing routes adequately widened. On the other hand, new locations are found to be in most cases cheaper and more efficient for the seven express highways which are to radiate twenty-five miles from the center (in one case all the way to Philadelphia), and for the express loop about twelve miles out. The typical design of the latter provides a single or double central roadway and two local roads on the sides having access to the express roadway between cross streets only. Ultimately all cross traffic is to have over or underpasses. The radial express routes are similarly treated, with a central curb between opposing lines of travel, thus providing two 30-foot express roadways and two 8-foot local roadways on a 138-foot taking. In addition, the present boulevard and parkway systems are to be extended and new routes provided in suburban districts not now served, thus providing virtually a second system of roads more attractive and free from local traffic.

For air transport the plan confines itself to recommendations for sixteen new landing fields in addition to the sixteen existing ones, and several seaplane landings.

The regional zoning plan restricts industry further than the municipal zoning plans at present in effect, yet provides some industrial area near almost every suburban community. Residence areas, which are confined chiefly to the inner metropolitan district within a twenty-five-mile circle, are distinguished from "open development areas," which constitute three-fourths of the 5,500 square miles of the region. These open development areas include parks, water supply lands, golf clubs, institutions, cemeteries, airplane fields, military reserves, private holdings devoted largely to farming, and water areas.

Park proposals encircle the region almost continuously, including ribbon parks along many of the streams, ridges and the more remote beaches, several large areas similar in size to the recently acquired Pound Ridge Reservation, and a great extension of Bear Mountain Park southwest along the Ramapos into New Jersey and northeast across the Hudson. A partial use of water-supply areas for recreation is recommended, including trails along aqueducts and supervised picnic places. The need of energetic recreation of an informal type as an antidote to city life is emphasized in the plan by provision for bridle paths and hiking trails, both within the proposed large parks and along certain other routes, including two hiking routes from New York City to Bear Mountain Park, one on each side of the Hudson River, these constituting a sample of what should be done in other parts of the region.

The preservation of private estates, farms, forests and similar areas as "lungs" to the region is discussed from many angles. Since zoning against building or even condemnation of the right to build appears at present impractical, in order to assure continuance of open areas municipal acquisition of such lands in the outer belt is suggested, especially of forests.

The final proposals of this report, reversing this doctrine as to the preservation of open spaces, relate to the reclamation of Jamaica Bay, the Hackensack Meadows and a strip of flats a mile wide along Bayonne for new industrial and commercial city communities, including all social needs for residence and recreation. A companion volume is to treat of these and other special sections, including central New York City, in more detail, especially of architectural treatment.

Having completed the work for which it was constituted, under a grant from the Russell Sage Foundation, the Committee states its hope that it may at least be able to maintain an office and skeleton organization to interpret and make available to others the large and in some ways unique collection of material which has been gathered.

THE LOS ANGELES MUNICIPAL EXHIBIT

BY ROY A. KNOX

Director, Bureau of Budget and Efficiency, City of Los Angeles

How the city's functions were pictured

WITH the slogan, "The City's Business Is Your Business," the bureau of budget and efficiency of the City of Los Angeles is sponsoring a Municipal Exhibit in the corridors of the Los Angeles City Hall. The exhibit had its formal opening on April 8 with an appropriate public program, and it will continue until June 30, the close of the fiscal year.

The purpose of the exhibit is to acquaint the citizens and taxpayers of Los Angeles with the many services which the city government is performing for their individual comfort and protection.

The following is a summary of the information presented to illustrate the many functions of the municipal government:

Airports.—A 6 by 6-foot model of Los Angeles municipal airport with an enlarged aerial view of metropolitan Los Angeles as a background. A map of Los Angeles showing the location of 28 airports in the metropolitan area, and the air-line distances from the center of the business district (Seventh and Broadway) to each airport.

Assessments.—A pictorial presentation of assessment work from the first step until the final checking of receipts and disbursements.

Budget and Efficiency.—A graphic presentation of budget allowances to all departments since 1925, the growth in population, school enrollment, assessed valuation, manufactures, water commerce, post office receipts, bank clearings and income tax, 1910 to 1929, and extended to 1940. An organization chart of the city government.

Building and Safety.—A graphic and pictorial representation of improved heating and ventilating installations, electric installations, and the testing of materials used in the construction industry. Specimens of termites, together with samples of destructive work, and a map of the city showing where they have been discovered.

City Clerk.—A graphic presentation showing how property owners are notified of proposed public improvements, how city licenses are issued, how city elections are supervised, and how city-owned real estate records are maintained.

City Hall Garage.—Photographs showing 31 new automobiles operating under the pooled car plan, and the manner in which these cars are serviced.

City Planning.—Eighteen pictorial illustrations and graphs emphasizing the effect of lack of zoning, too much business zoning and the absence of building lines. Aerial views taken in 1922, and again from two to six years later. Comparative models showing the present and the proposed civic center. A chart showing the area growth of Los Angeles from 1781 to 1929.

Civil Service.—Twelve pictures showing applicants for trade positions under examination. Forms and methods used in making certification, appointment and payroll check.

Construction.—Models and photographs of 18 public buildings designed and constructed by the city.

Controller.—A graph and pictorial presentation showing the budget allowance to each department, and the manner in which the controller audits all expenditures.

Engineering.—Six relief models showing proposed construction, including a river-bed truck highway, extension of a major boulevard by the construction of four tunnels through a series of hills, two models of proposed bridges, and two models of proposed grade separation. Four large color perspectives of proposed major improvements. Model city-owned asphalt plant in operation. Continuous motion pictures showing the construction of the North Outfall sewer from downtown Los Angeles 20 miles to the coast, and one mile out into the Pacific.

Fire.—Twenty-one photographs showing fire investigation, resuscitation, salvage, fire prevention, dynamiting, mountain fire patrol, the "fire college" and the use of various types of fire-fighting equipment. Continuous projection machine pictures of actual fire scenes and departmental activities.

Fire and Police Signals.—The line of action from moment of sending alarm until the arrival of men and equipment at the point of emergency.

Harbor.—An 8 by 12-foot aerial mosaic photograph of Los Angeles Harbor in colors. Continuous pictures showing facilities at the Harbor, types of vessels and commerce statistics.

Health.—A pictorial presentation showing maternity, child welfare, nursing, tuberculosis, quarantine, laboratory, sanitation, food inspection, food handlers' examination, and rodent control services.

Library.—A 6 by 8-foot model of the new Central Library with moving figures of representative citizens entering at the sides and reappearing at the main doorway carrying books marked with library subjects. Photographs showing the many activities of the library system with its 46 branches. Photographs of noteworthy city halls throughout the United States, arranged to facilitate comparison with the Los Angeles City Hall.

Mechanical.—Organization of the city machine shop and photographs of equipment and mechanical repair work.

Municipal Art.—Photographs of public buildings, statuary and paintings developed under the jurisdiction of the municipal art commission.

Park.—A relief model of Griffith Park (3,751 acres) stressing present and proposed development. A map of Los Angeles showing the city's 75 parks. Photographs of typical outdoor scenes.

Playground and Recreation.—A 5 by 15-foot model of recreational activities. The construction of miniature aircraft. Pictures of activities at the 46 playgrounds.

Police.—An 8 by 8-foot model of typical traffic problems. Police organization, the distribution of personnel, and the location of all police stations. Photographs showing marksmanship requirements, typical vice cases, foot and motor patrol, the use of fingerprints in criminal detection, and jail scenes.

Public Defender.—How legal defense for persons without financial means is provided. The results accomplished by settlement of cases out of court, and by lessening the time of trial.

Purchasing.—The manner in which purchases are made and pictures exhibiting the wide range of equipment and material purchased.

Public Utilities and Transportation.—Revenue derived from franchises, 1918 to 1928. The purpose and work of the gas-testing laboratory. The licensing of taxicab drivers, maps showing motor stage routes, local street car and interurban lines.

Receiving Hospital.—Maps showing the exact spots where 2,813 accidents occurred during January, 1929, and the place of residence of those injured. The increase in the number of emergency cases from 1919 to 1928. Fifteen photographs, each a warning to exercise more care while at work and while driving.

Street Lighting.—A pictorial comparison of lighting in Los Angeles during 1857, 1875, 1890, and 1900, with modern lighting.

Testing Laboratory.—The scope of the laboratory, materials tested and equipment used.

Traffic Fines.—A photographic comparison between the old manner of paying fines in the courtroom and the new method of paying at the Traffic Violations Bureau.

Traffic Signals.—A traffic blinker indicating the frequency of traffic injuries in the United States. Photographs of improved types of traffic signals, and how they operate.

Water and Power.—A 14 by 14-foot relief map of the metropolitan area and Owens Valley, showing the development of the water and power system which delivers water to Los Angeles 250 miles for five cents a ton, and electricity for five cents a kilowatt. Continuous projection machine pictures in colors showing buildings, structures, and all development incident to the water and power system. A map of the four suggested routes for the proposed Colorado River Aqueduct.

CONNECTICUT JUDICIAL COUNCIL REPORTS

BY LANE W. LANCASTER
Wesleyan University

The Connecticut legislature accepts some and rejects other recommendations made by the Judicial Council. :: :: :: :: ::

ONE of the more recent states to join the movement for the perfection of judicial organization and procedure was Connecticut. The general assembly of 1927 showed its interest in the subject by the creation of a Judicial Council.[1] The first report of the Council was laid before the 1929 session which adjourned early in May. It was distinguished by the evidences of care in its study and preparation and by the thoroughness with which its various recommendations were presented, and it is a matter of considerable regret that the legislature did not see fit to enact its principal suggestions. The body of respectable lay and professional opinion outside the legislature favorable to the report is, however, so great that we may assume that the assembly was simply "playing safe" after the approved legislative psychology in the "land of steady habits," and that more progress will be made in later sessions.

I

Although there is probably less to "reform" about Connecticut's substantive law and procedure than in many other states, some notion of existing abuses and imperfections may be gained from a brief summary of the Council's recommendations.

(1) To students of government probably the most important suggested change was that having to do with the appointment of town and city judges. At present there are in the state 59 of these tribunals, created by special act, and presided over by judges and associate judges named by the general assembly.[2] Names for nomination to these judgeships are usually presented by the local representatives in the legislature, approved by the joint committee on the judiciary, and ratified by the two houses. While there are no such unseemly controversies over these appointments as occurred with some frequency ten or fifteen years ago, it cannot be said that the method of election adds to the dignity of the local bench, and it undoubtedly lays a heavy burden on the already overworked judiciary committee. The Judicial Council recommended that the power of appointment be transferred to the governor, which practice is now followed in the case of the higher courts. This idea did not commend itself to the assembly, ostensibly because of a fear of one-man power. There can be no doubt, however, that considerations of practical politics were decisive, since the local bench is an integral part of the dominant party organization which controls all branches of the state government.

(2) Under the law as it existed prior

---

[1] Ch. 190, Public Acts, 1927. The act follows closely the Massachusetts act of 1923. The Connecticut Judicial Council consists of the chief justice of the Supreme Court of Errors, one judge of the Superior Court, one of a Common Pleas Court, one of a city court, one state's attorney and four practicing attorneys.

[2] Five of these courts were created by the 1929 general assembly. They have criminal, and, in some cases, civil jurisdiction and take the place of justices of the peace in the towns having them. The salaries of the judges and other officials are set by statute but paid from the local treasury.

to 1929 any criminal court might suspend sentence indefinitely except in cases after commitment to the state's prison or reformatory. This power extended to the many local courts in the state, and it is a matter of common knowledge that these courts have used the power in order to impose fines with a suspended jail sentence in order not to risk the loss of a fine to the treasury in case a jail sentence is imposed and an appeal taken. Acting on the recommendation of the Council the legislature amended the law to provide that sentence may be suspended if the mitigating circumstances are made a part of the record, but that no sentence may be suspended in cases of conviction of operating a motor vehicle under the influence of liquor if such offense shall have been committed within six years following conviction for a like offense or if the offender has been previously twice convicted of a felony.

(3) A third recommendation of the Council which, however, failed of enactment, had to do with petty violations of the motor vehicle acts and local traffic regulations. Here it was suggested that in cases where the penalty was a fine, in the first two offenses the accused might request that judgment be taken against him and thus waive trial upon payment of the statutory fine and costs. The benefits of such a law in speeding up the work of the local courts and in securing uniformity of procedure throughout the state are obvious, and it seems likely that it will eventually pass.[3]

(4) Chapter 134, Public Acts of 1929, embodies the Council's recommendation concerning false affidavits by giving to the courts power to allow to the plaintiff double costs with a reasonable counsel fee, where in its opinion affidavits have been filed without just cause or for the purpose of delay.

(5) In line with the Council's suggestion for discouraging divorces for trivial causes, Chapter 105 provides that no complaint claiming a divorce shall be heard or any decree granted thereon until after the expiration of ninety days from the day on which such complaint is made returnable.

(6) The Council's recommendation that a state bureau of criminal identification be established is now in the process of being carried out under the superintendent of state police.

II

Three other matters of considerable interest were recommended for action by the Council but rejected by the legislature. After a very able review of the pros and cons of this ancient prohibition, the Council suggested an amendment to the General Statutes which would permit the state's attorney in criminal trials to comment upon the failure of the accused to testify. The assembly also failed to repeal a statute enacted in 1923 which in effect deprived the courts of the complete power which they had had until that year to make all rules and orders necessary to give effect to the practice act of the state. What appeared to be excellent suggestions looking toward the improvement of the character of jurors were also rejected.

Other matters now being studied by the Council are: the advisability of having the jury consist of less than twelve; the wisdom of having jury verdicts rendered by less than the entire jury; a study of expert testimony; the practical working of the system of local justices of the peace; and the small claims court.

---

[3] In this connection it is interesting to note that the assembly passed what is apparently the first state-wide traffic control act. *Senate Bill No. 518.*

THE EXTRA-MUNICIPAL ADMINISTRATION OF RADBURN

AN EXPERIMENT IN GOVERNMENT BY CONTRACT

BY CHARLES S. ASCHER

Attorney, City Housing Corporation

Turning spinach gardens at one stroke into a completely planned community raises questions which precedent does not answer. :: ::

PICTURE a typical rural borough in New Jersey, population 4,000, with 3,200 acres of farms and a few hundred cottages of workers from a neighboring industrial city; governed by a mayor and council giving only part of their time to the work; with volunteer firemen, four grade schools, a little street lighting, weekly garbage collection, no health officer, no zoning ordinance, no city plan, no assessment map, no full-time paid municipal officials.

Picture suddenly 1,250 acres, a third of the borough, purchased for development into a modern urban community of 25,000 people by a single agency dedicated to disinterested and scientific town-planning—within a year 200 houses springing up, apartments for 90 families, stores, offices, warehouses, miles of concrete roads, street lights, sewers, acres of parks, all designed by leading architects and town planners of the United States and England.

How are the urban conveniences and services of this new community to be financed? How, administratively, are the high initial standards of town-planning to be preserved? Here you have the governmental problem of the borough of Fair Lawn, New Jersey, and Radburn, the community of City Housing Corporation. The special features of Radburn's physical plan have already been discussed in the REVIEW [1]—the adaptation of street plan to the needs of the motor age.

As a limited-dividend company "organized to build better homes and communities," the company addressed itself to the indicated problems of administration and finance while the town-plan was still in the blue-print stage. The ambition has been realized of having the desired administrative machinery ready to function before the first residents have moved in.

ADMINISTRATIVE MACHINERY TO MAINTAIN ORIGINAL HIGH STANDARD

A booklet, "Radburn Protective Restrictions and Community Administration," is ready for delivery to each purchaser of property upon signing his contract.[2] It contains "Declaration of Restrictions No. 1 Affecting Radburn," which has been recorded with the county clerk; and the charter and by-laws of the Radburn Association, a New Jersey corporation "not for pecuniary profit" which has already been organized, has elected officers, a manager, an architectural committee, and a supervising architect, has adopted an architectural code governing residences, and a budget for the year 1929, while the first houses were being occupied.

The erection of this administrative

---

[1] See NATIONAL MUNICIPAL REVIEW, March, 1929, p. 142.

[2] Copies are freely available to any person interested upon application to the company, 18 East 48th Street, New York.

machinery came as the result of some months of study. At meetings last year the problem was put before a group of experts in municipal government and town-building: members of the council of the National Municipal League, such as Dr. Luther H. Gulick, Dr. Morris Lambie, Dr. Harold W. Dodds, Richard S. Childs, Louis Brownlow, Harold S. Buttenheim and Dr. Lent B. Upson; men with special practical experience such as Morris Knowles of Pittsburgh, John Colt, president of the borough council of Princeton, New Jersey; and students of community organization such as Dr. Lee Hamner and Clarence A. Perry of the Russell Sage Foundation. A visit to Cambridge, Massachusetts, revealed a number of examples of elaborate codes of restrictions in the Library of the Harvard School of Landscape Architecture (the best library on town-planning in this country) and gave the company the benefit of the experience of John Nolen and of Olmsted Brothers, both of whom as planners have always had to bear in mind the necessity of creating machinery to interpret, carry out and perpetuate their plans. Visits to Edward H. Bouton and George B. Simmons of the Roland Park Company at Baltimore, F. H. McCormick of Wilmington, Delaware, and Mrs. Laura Green of the Gardens Association of Forest Hills Gardens, Long Island, gave what was particularly valuable—the fruits of years of practical experience which alone could show, not which restrictions can be put in print, but which restrictions *work*, which are accepted by the community without friction, are sustained by public opinion and are enforceable without resort to the courts. In addition, forward-looking real-estate developers in all parts of the country responded willingly to inquiries by letter. The documents received final careful scrutiny by a group of experienced conveyancers and attorneys versed in municipal problems, including Spaulding Frazer, Laurence A. Tanzer, Lewis M. Isaacs, Walter H. Pollak and Louis S. Weiss, who generously volunteered their services in the interest of the limited-dividend enterprise.

The ultimate problem was succinctly stated by Clarence A. Perry: How can a neighborhood within a municipality "carry on a more advanced form of living than the municipality as a whole is ready to afford"? The problem at Radburn differed particularly from those of Palos Verdes Estates, Los Angeles; St. Francis Wood, San Francisco; the Country Club District, Kansas City; Shaker Heights, Cleveland, and similar enterprises where the technique of private restrictions had been highly developed.[3] Those were districts devoted largely to residences owned by the wealthy, and from which all non-residential uses other than occasional retail shops were rigorously excluded. Here was a "satellite town," planned as an (at least partly) self-contained community, with its own shops and manufactures, its home-owners and tenants,—a city within a city.

The considerations of policy which presented themselves to the staff in working out the administrative problems may interest readers of the REVIEW, because there are an increasing number of neighborhoods where the municipal government is being supplemented by an extra-municipal administration gaining its sanction by contract instead of the police power.[4]

---

[3] An excellent summary and analysis of this technique as developed by the more farsighted real-estate subdivisers is a monograph by H. C. Monchow, "The Use of Deed Restrictions in Subdivision Development," published by Professor Richard T. Ely's Institute for Research in Land Economics and Public Utilities, Chicago, 1928.

RELATION TO MUNICIPAL GOVERNMENT

Our first premise was that ultimately as many functions as possible should be assumed by the municipal government. It seems clearly advantageous that community undertakings should be financed by municipal credit; and the machinery of public taxation for raising community funds (whatever its inefficiencies and inequalities) has a long administrative tradition which is readily accepted by owners and residents.

Again, in the enforcement of standards of neighborly conduct, the sanctions of the police power—the summons served by the policeman or health officer, the summary hearing, the quick penalty—seem better calculated to bring about prompt compliance than the cumbersome suit in chancery for violation of a private covenant, with voluminous affidavits, the stirring up of neighborhood animosities which do not abate when the nuisance abates, and almost inevitable expense and delay.

On the other hand, it must be recognized that the control over the use of property which can be exercised in the name of the police power is, in the present state of constitutional law, limited to the broad and general; only minimum standards can be enforced. A zoning law with the particularity of differentiation of Radburn's town plan in the interweaving of business, industry and homes would probably be deemed arbitrary to the point of unconstitutionality; and there has yet been no court decision upholding municipal regulation of architecture purely in the interest of the aesthetic.

Again (although the dearth of available statistics is a challenge to municipal experts) it was the consensus of our experienced advisers that no predominantly residential municipality could be made self-supporting out of taxes and yet maintain the high standards of service planned for Radburn: in other words, it is the tax revenue from industry and business that largely supports schools, streets and firemen. Accordingly, Radburn would certainly need to supplement municipal revenues privately to maintain parks, paid recreation leaders, and preventive health clinics in the bargain.

Finally, our observation of the experience of other high-minded community developers made us feel keenly that perhaps the most important element in any plan we might devise would be flexibility. None of us felt wise enough to erect a cast-iron scheme for an as-yet-uninhabited town. But please distinguish flexibility from uncertainty! It was essential that there should be definite, workable machinery from the start—it was equally essential that there be definite, workable provisions for amending it.

"Declarations of Restrictions No. 1," the fundamental charter of our extra-municipal government, is a skeletal scheme deriving its sanction truly from the consent of the governed. The document has been recorded in the office of the county clerk, and every purchaser of a home or factory site will acquiesce in its terms by the acceptance of his deed. Initially it affects eleven lanes of houses; more land (whether owned by City Housing Corporation or others) may be subjected to some or all of its provisions quite simply by recording a further declaration to that effect.

Since, at the present time, the

---

[4] For an exceptionally intelligent comparison of the possibilities of municipal and contractual control of land see M. T. Van Hecke, "Zoning Ordinances and Restrictions in Deeds" (February, 1928), 37 *Yale Law Journal*, 407.

Housing Corporation is offering for sale only property completely improved by it, and no vacant lots, it has been possible to leave to the future the working out of a zoning ordinance: it has been enough at this time to prohibit the diversion of any building from the use for which it was designed by the company, or the encroachment by buildings upon any free spaces created by the company.

THE RADBURN ASSOCIATION

The important functions of architectural control and collecting and disbursing the community funds (imposed as a charge in each deed) have been delegated to the Radburn Association. Frequently the developer is content to let the residents organize a loose community association of some sort after they have moved in. At Radburn, a legally incorporated non-profit association is already in existence. Its powers include the rendering of practically every municipal service in the interest of health, safety and welfare, as well as the supplementing of existing municipal services in that behalf. Its nine incorporators and first trustees are partly members of the Housing Company's staff, and partly public-spirited citizens of Northern New Jersey, whose aid the company has been able to enlist because of its character as a limited-dividend company, and whose presence on the board is a pledge to the home-purchaser of the disinterested and intelligent administration of the Association. These trustees include Bertram H. Saunders of Paterson, Mrs. John Hawes of Ridgewood, Dr. John H. Carlisle of Passaic and Spaulding Frazer, Esq., of Newark.

The Radburn Association, since its functions are so much like those of a municipal government, is organized on the city-manager plan; its administration is committed to a manager to be selected solely for his executive qualifications and to serve at the pleasure of the board. The first manager is Major John O. Walker, formerly director of public safety of Petersburg, Virginia, and Knoxville, Tennessee.

The fundamental charter (i.e., the Declaration of Restrictions) provides generally that no structure may be erected or exterior alteration made upon property subject to the restrictions without the approval in writing of the Radburn Association. The trustees of the Association have accordingly been free to adopt resolutions constituting a Code of Standards of Architectural Control, setting forth classes of structures and changes to be permitted freely, to be permitted upon formal approval by the manager, to be permitted only upon special approval by the supervising architect, or to be prohibited absolutely. These resolutions are subject to amendment by the trustees with no great difficulty as practical experience may dictate. Under this code, the manager is vested with a broad administrative discretion; and the by-laws of the Association confer upon the house-owner a right of appeal to a committee of the trustees in certain cases.

This type of situation has been presented in some detail to show how the varying demands of certainty and flexibility have been met, and how some elements of the machinery of municipal government have been adapted to this consensual administration.

The governmental device of the hearing upon notice has been freely used as a substitute for the conveyancers' traditional written and acknowledged consent of the property-owner. Thus amendment of the Declaration of Restrictions is effected by a hearing upon notice by mail and advertisement to the owners of property in the area determined by the trustees to be affected thereby. Unless 50 per cent of these owners protest, the trustees may adopt the amendment after such hearing; and it is a certificate of the Radburn Association, reciting the steps taken, which is recorded. The analogy to the procedure under a zoning ordinance is easily seen. Because of the variability of the physical town-plan of Radburn, we were forced to discard any fixed radius as the zone of influence of a proposed change. In case of a resort to the courts, the issue should be merely whether the trustees acted arbitrarily in designating the area affected: here, as ultimately everywhere, we depend upon a reasonable and intelligent practical administration.

The charge to be collected is likewise left as flexible as possible. It is to be determined from year to year by the trustees of the Association. The only limitation is that it shall not exceed one-half of the current taxes upon the same property. This limit was felt necessary as an assurance to purchasers. Here again the procedure has been assimilated to that of municipal government: the manager prepares a budget, there is a public hearing upon notice and after advertisement of the proposed budget, after which the budget is adopted, and the rate of charge (which is a lien on the premises) is fixed.

The Radburn Association will also hold legal title to and administer such property devoted to community use as the municipality is not ready to take over. This includes the elaborate system of parks intended for the exclusive benefit of the inhabitants of Radburn. It is expected as a result that the principle of the Gramercy Park case[5] will apply, and that the community property will be assessed at a nominal valuation only.

DEVOLUTION?

The chief problem as yet undetermined is the method of devolution of control of the Radburn Association upon the residents and property-owners. The usual developer's device of one voting membership per lot owned seems clearly inappropriate in a community where there will be not only home-owners but tenant-residents, shopkeepers, factory-owners, and their employees—in short a cross section of a typical town—whose interests will be affected by the activities of the Association and who will directly or indirectly contribute to its support through the charge. We look forward to the development of voluntary associations by the inhabitants and property-owners—geographic or functional, or both; and it may be that the members and trustees of the Radburn Association will be altogether or in part delegates of, or elected by, representatives of such groups. Experience elsewhere indicates that this will be sounder than general membership in the Association by all owners or residents.

As a final consideration, we have attempted to put these somewhat formidable documents (constituting 30 printed pages) before the citizen in a format that will encourage reference to them: there is a short preface explaining the purpose and summarizing the main points; the documents have succinct running marginal notes, and there is a full five-page index.

It is believed that Radburn is the most complex civic unit to which government-by-contract has yet been applied: and its scheme of administration seems as notable an experiment as its town plan. If it is successful in practice, it may guide many communities to achieving parks, playgrounds and other amenities which the local municipality is unable to provide.

---

[5] *People ex rel. Poor* v. *Wells*, 139 N. Y. App. Div. 83, affirmed 200 N. Y. 518.

GLASGOW THE PRACTICAL

BY HARLEAN JAMES

Executive Secretary, American Civic Association

No American city approaches Glasgow in the number and range of municipal activities. :: :: :: :: :: :: ::

Glasgow is not only the principal example of Scottish municipal practice; it is second only to the London region in the population of the British Isles. The settlement of the city dates back to a site occupied by a church in the sixth century. In 1690 it had a population of 15,000 and by the end of the eighteenth century it had grown to 75,000. By 1895 it had become a metropolis with 700,000 people living on an area of 6,000 acres. Thirty years later the area had more than tripled; the population had increased by 75 per cent, and is now close to a million and a quarter. During these same thirty years the rateable value of property has increased from a little under four and a half million to ten and a half million pounds.

In spite of extended boundaries, Glasgow has a larger average population to the acre than most other towns in the British Isles. In Glasgow there are practically 54 persons to every acre, while Liverpool, Manchester and Newcastle have but 33, Birmingham 21, Bristol 20, Leeds 16 and Bradford 12.5. The extreme density of the population and the overcrowding of the poor have forced municipal expedients in the way of sanitary inspection and control which might not have been needed had more comfortable living conditions existed.

FORM OF GOVERNMENT

The form of government has changed but little from that in effect in 1895. The city is now divided into 37 wards, an increase of 12 in the past thirty years. The qualified electors choose three councilors from each ward and these with the Dean of Guild (head of the Merchant's House, an inheritance from the days of guild control) and the Deacon Convenor (head of the Trades House) make a total membership in the corporation of 113. From their own number, the councilors choose a Provost or Lord Provost and the "Bailies" or Magistrates. When we were in Glasgow one of the Bailies was a woman—Bailey Mistress Bell.

The corporation owns its own water, gas, tramways, markets and electricity. Under the Glasgow Corporation and Police Act of 1895, as many administrative departments may be set up as the corporation deems wise. At the present time Glasgow is operating under nine departments: (1) General, including finance, municipal buildings, libraries, and diseases of animals; (2) Police, including protection from crime, lighting, fire brigade, management of public halls, cleansing, public health, port local authority, public baths and washhouses, and sewage; (3) Parks, including also art galleries and museums; (4) Markets; (5) Water Supply; (6) Gas; (7) Electricity; (8) Tramways; and (9) City Improvements.

HEALTH ACTIVITIES

Glasgow has earned an enviable reputation for its health department which is organized under a medical officer. In 1923 there were 77 on the central staff and 199 on the divisional staff serving the five districts. The death rate, which in 1870 had mounted to 29.6 per thousand population, had fallen in 1926 to 14.2 per thousand, representing a saving of some 17,000 lives per annum. Special emphasis is laid on the prevention of the spread of infectious diseases, on the reduction in tuberculosis and on the recently authorized child welfare activities. The infant death rate which was 133 per thousand births in 1914 had fallen to 104 in 1926. The department conducts two fully equipped disinfecting stations, five tuberculosis dispensaries, maintains about a thousand beds for treatment of tuberculosis in hospitals and sanatoria, and operates thirteen child welfare centers. There are excellent bacteriological and chemical laboratories. The efficient inspection of meat and milk holds disease from these sources to a minimum. Glasgow has twenty-two establishments for public baths and washhouses with accommodations for 1,187 washers and private hot bathrooms for 550 bathers. The city is supplied with a modern sewage system which involves purification of the sewage.

DISPOSAL OF REFUSE

The cleansing of the city is administered through eighteen districts, with a complete local staff and equipment for the collection and removal of refuse, street sweeping and court sweeping. Refuse is treated and disposed of at refuse destructors and refuse despatch works in different parts of the city. The destructor furnaces have boilers attached and steam is generated for electric lighting and other purposes. The despatch works manufacture "prepared city manure" which is sold to farmers and yields a good revenue. The cleansing department owns two estates of 1,480 acres and leases additional ground as dumping places for unsaleable refuse and to provide fodder for the department's horses. Much useless land has been reclaimed and transformed into good arable acreage.

WATER SUPPLY

An abundant supply of clear, pure water comes from Loch Katrine and Loch Arklet through two aqueducts capable of discharging 110,000,000 gallons a day and supplied with two reservoirs which can store two weeks' supply. During the year 1926–27 a population of well over one and a quarter million people was supplied with seventy-three million gallons per day. Glasgow has found that a "much more satisfactory and economical practice in the conduct of great waterworks is that the water authority should be the owner of its own watershed." In the past the corporation had suffered certain disadvantages involving heavy claims adjudicated upon and paid through not owning the watershed area. An expenditure of some seventy thousand pounds has acquired for the city about 24,000 acres on the north and south sides of Loch Katrine and a definite policy of planting trees has been undertaken.

GLASGOW TRAMWAYS

The ownership and efficient operation of gas and electric plants is so common in both English and American cities that it need occasion no remark, but the public ownership and operation by the Glasgow Corporation of the tramways may excite interest in the United States. The Glasgow tramways have always been owned by the city, and under the Glasgow Corporation Act of 1909 the tramways were declared "to be and to have always been" part of the *Common Good.* In 1871 the lines were leased for twenty-three years to a company, but were taken over by the Glasgow Corporation in 1894. The statement is made by Sir John Lindsay, Town Clerk, that "as compared with 4,428,518 passengers carried by the tramway company during the four weeks ended 31 of May, 1894, the Corporation cars during the corresponding four weeks in 1895 carried 6,114,789, an increase of 38 per cent. There are 245¾ miles, measured in single track in the system, with nearly a thousand cars in use." In 1926–27 the total number of passengers carried was 441,943,919.

LIBRARIES

Glasgow was for many years backward in libraries; but in 1899, a clause on libraries was inserted in the Tramways Act. Glasgow now has the Mitchell Reference Library, containing 280,000 volumes, which is claimed in extent, variety and value, to be the chief reference library in the United Kingdom. Altogether the libraries under the administration of the Glasgow Corporation contain over 600,000 volumes, and two thousand periodicals are available in reading rooms. Joint catalogues on certain subjects have already been issued and ultimately it is planned to issue joint catalogues on all important topics.

Under cultural advantages the public halls should be mentioned. Until 1891, the City Hall, with accommodation for 2,500 people, and the halls in the district police buildings were the only public halls. The corporation now owns 21 suites of public halls which can accommodate 100 to 3,500 people. Eleven form part of the *Common Good* and so are administered by the general department, and ten are under the charge of the police department. The halls are supervised by a general manager and a large staff, and are licensed for concerts and other forms of public entertainment. Six of the halls have grand organs and are used regularly for organ recitals. During the winter months Saturday afternoon concerts are given at a nominal charge. Occasional Saturday forenoon concerts for children are arranged.

HOUSING

But possibly Glasgow's greatest need and greatest accomplishment in recent years lie in the housing field. It was recognized that insanitary living conditions caused in large part the abnormally high death rate. Following the 1866 law the corporation demolished dilapidated and insanitary dwelling houses on lands covering ninety acres in different parts of the city. Thirty new streets were cut through, twenty-six streets widened and improved and Alexandra Park was acquired. The corporation also built seven model lodging houses—six for men and one for women. In 1896 a Family Home was added. Following the law of 1897, seven congested and insanitary areas in the heart of the city, covering six acres, were selected for demolition and reconstruction. In all, under the 1897 Improvement Act, 520 living units were provided for the poorer classes. But in spite of all this, the war caught Glasgow with deplorable congestion and a discouraging number of insanitary dwellings. In the Census of 1911, thousands of one-room houses (a term applied to a tenement living unit as well as to separate houses) continued to be occupied by entire families. The Royal Commission appointed in 1912 reported five years later that if overcrowding were taken to mean more than three persons per room, it would be necessary to displace 284,000 of the population of Scotland. Glasgow, with about one-fourth of Scotland's entire population, showed an urgent need of at least 57,000 houses (living units).

In 1919 there was enacted the Housing and Town Planning (Scotland) Act. Under this law and the subsequent acts of 1923–24, we found in the summer of 1926 a stupendous program well toward accomplishment. Glasgow was putting through a program of nearly 20,000 houses, of which about three-fourths were completed or under construction and the remainder in prospect. Of these nearly 5,000 were to replace slums.

THE GLASGOW SLUMS

One cannot forget the housing schemes with the monotony of the thousands of rectangular buildings relieved in intelligent planning of land and the cheerful gardens, nor the remaining slum areas, with winding alley and court entrances, with worn, dark stairs leading to doors posted with the number of adults or children permitted by law. We inspected many one-room tenements where frowzy-looking beds were fitted tightly into alcoves enclosed on three sides—beds covered with dingy quilts and graced by no sheets. But even in these rooms in which two or three or four people must sleep, cook, eat and live, there were always brasses brightly shining and a certain cheer from the tiny fireplace and framing mantel shelf. One of the difficulties, we were told, in replacing slum areas was that, while the young folks were sometimes satisfied to move into the new housing schemes in the suburbs with their open spaces and gardens, the old folks were lonesome and dissatisfied when removed from the neighbors with whom they had lived so many years on such close terms of intimacy.

Glasgow has been faced with a tremendous social problem. In both Glasgow and Manchester, in the slum regions, we saw men and women reeling down the sidewalks, shouting drunken expletives, and droves of neglected, underfed children. It was evident that the pressure of poverty and ignorance together with overcrowded living conditions had claimed a heavy toll. The encouraging note was that we were shown extensive areas which had been cleared of the old rookeries and the people moved into better quarters.

With so thorough an understanding of its problems and with so great a progress in solving them, Glasgow offers an interesting study for other cities suffering from density of population.

GLASGOW'S PARKS

No visitor can remember Glasgow without recalling the parks. Inside the city there are 32 parks aggregating about 3,000 acres. A number of these are large enough to permit the preservation of charming country landscape. In Rouken Glen, an estate of over 200 acres, which was a gift to the city, the manor house is now a lunch room. The sylvan character of the grounds has been protected. Close to the busy thoroughfare at the boundary a splashing waterfall tumbles over rocks hemmed in by underbrush and trees exactly as it might gurgle in a remote mountain fastness. In addition there are ninety open spaces from one-quarter to two acres, maintained as pleasure grounds for children. Half of these are equipped with swings, maypoles and joywheels. There are in the park system 60 bowling greens, 90 tennis courts, 5 golf courses and 100 football pitches. Music is provided in all of the parks, and in winter organ recitals are given in Kelvingrove Art Gallery.

Glasgow has also received as a gift the Ardgoil Estate of 14,740 acres, about 40 miles from the city, containing a mountain range with peaks from 1,210 to 3,318 feet in altitude. Two thousand acres are being forested. Many recreation excursions are made to this mountain park, and the corporation finances visits of necessitous mothers and children.

THE PROMISE OF THE FUTURE

Though its back country includes beautiful and historic lakes and mountains, Glasgow is not generally picturesque. Indeed it resembles many of the nineteenth century cities of the United States. Its achievements are practical, social and cultural rather than aesthetic. Reversing the situation in so many of the British towns, the new is lovelier than the old. If the officials of Glasgow undertake to provide beauty as they have undertaken to provide the more practical amenities, and we saw evidence that they had begun to do so, we may expect within the span of the twentieth century a new Glasgow.

CONSOLIDATION OF NEW YORK CITY HOSPITALS

BY CARL E. McCOMBS, M.D.
National Institute of Public Administration

The recent consolidation of three departments under a single commissioner is regarded by New York City's leaders in public health and welfare work as a long step toward more efficient care of the sick and more economical use of public funds. :: :: :: ::

SINCE 1906 when a commission was appointed by Mayor McClellan "for the purpose of devising some comprehensive plan for the reorganization, extension and administration of the public hospital system of the city of New York," almost every administration of the city government has witnessed a similar inquiry, with the same general objective of consolidating the three hospital departments of the city, namely, the department of public welfare, the department of health, and the department of Bellevue and allied hospitals. Several amendments to the city charter have been proposed with this end in view, but not until 1928, under Mayor Walker's administration, did these charter amendments get much beyond mere discussion.

Mayor Walker's committee on plan and survey of the city of New York rightly regarded the hospital problems of the city as entitled to careful consideration. As the result, its recommendations called for the establishment of a "department of hospitals, the head of which shall be a commissioner appointed by the mayor; that there be transferred to this department the custody, care and operation of all municipal owned and directed hospitals and kindred activities now conducted by the department of public welfare, department of health, the board of trustees of Bellevue and allied hospitals, and the board of ambulance service; that this department have jurisdiction also over the municipal owned and directed homes for the aged and infirm, and city controlled hospitals for contagious and communicable diseases; that the mayor appoint an advisory board whose duties shall be to consult with and advise the commissioner."

CONSOLIDATION ACCOMPLISHED

Taking prompt action on this recommendation, Mayor Walker directed the preparation of a local act amending the city charter to bring about such consolidation. The bill was introduced in the municipal assembly and passed the board of estimate and apportionment branch on October 25, 1928, and the board of aldermen on October 30, the only amendment of the board of aldermen being to make the act effective on February 1, 1929, instead of January 1, 1929. The law as amended was approved by Mayor Walker on November 9, 1928.

The act provided, as recommended originally by the mayor's committee, for the appointment of the commissioner of the new department by the mayor, and gave the commissioner power to appoint three deputies, a secretary "and such other subordinates as shall be provided for in the budget." Under the jurisdiction of the new department of hospitals were placed thirteen general and special hospitals, the children's clearing bureau, a home for dependents, a farm colony, and the two morgues of the existing department of public welfare, the five contagious disease hospitals, and tuberculosis sanitorium of the health department, the five general hospitals and morgue of the department of Bellevue and allied hospitals, "such other public hospitals, sanitoriums, health institutes, clinics and morgues now existing or hereafter established," and the ambulance service of the city, hitherto administered by a board of ambulance service.

Provision was made in the act for an advisory council consisting of one representative from the medical board of each hospital or other institution under the jurisdiction of the department, such representatives to be chosen by the respective medical boards, and seven additional members appointed by the mayor. The advisory council serves without compensation.

CENTRAL PURCHASE

A board of purchase is established, consisting of the commissioner of hospitals as chairman and four additional members, two of whom shall be designated by the commissioner from among the members of the advisory council, at least one of whom shall be a physician, and two of whom shall be designated by the commissioner from the officers of the department. This board has power to purchase or contract for the purchase of all such supplies, materials, apparatus and equipment of the department as the commissioner of hospitals shall by order direct. All other purchases and contracts are, however, left to the jurisdiction of the general department of purchase of the city.

The enactment of this local law is considered by all students of New York City administration as an important and necessary step toward the solution of the city's hospital problem. It has the endorsement of the medical societies and citizens generally and apparently, also, the endorsement of the political powers. The fact that essentially the same proposal has been made several times during the past twenty years or more by the ablest authorities on city hospital administration indicates that the energy displayed by the mayor in putting his committee's recommendations into effect represents a real purpose of administrative betterment. Some fears have been expressed that such a consolidation puts the hospital system of the city rather completely at the mercy of partisan politicians, but, as a matter, of fact, anyone who knows the hospital situation in New York City, knows that partisan politics has enjoyed at least as great opportunity for interference in hospital administration under the old many-headed system as it can possibly enjoy under the new one. In view of what has happened to previous proposals for city hospital consolidation at the hands of the politicians, it is greatly to the credit of Mayor Walker and his supporters in the municipal assembly that this long cherished ideal has at last been realized.

SOME CRITICISMS

It would be possible to offer criticism, we think, of certain features of the plan without disagreement as to its major proposals. The advisability of creating a special board of purchase for this department opens the way to purchasing abuses. We believe that it would have been better if purchasing for this department had been left in the hands of the general department of purchase of the city.

The large size and chiefly *ex-officio* character of the advisory council is, in our judgment, a handicap. The council would probably be a more effective agency if it were smaller and composed wholly of members appointed by the mayor from among citizens at large and including representatives of the unofficial health and welfare agencies of the city. Such persons would be in a position to bring to the city's hospital problems an experience and independence of viewpoint which is less likely to be found among the representatives of hospital medical boards who make up a majority of the advisory council as established in the law.

Taken in its entirety, however, we believe the plan offers an opportunity never before available for orderly, well balanced, and efficient development of the city's hospital services, and with the reservations stated may well serve as a model for hospital consolidation in other large cities having similar problems of administration.

KANSAS CITY STUDIES ITS POLICE DEPARTMENT

BY WALTER MATSCHECK

Director, Kansas City Public Service Institute

A survey points the way to a more efficient police department operating with fewer men and less money. :: :: :: :: :: ::

A PUBLIC feeling that crime is excessive. Charges of rank partisanship in police administration. Police board demands for $500,000 additional appropriations to employ two hundred new patrolmen, increase salaries, and make other additions. These were the principal reasons for the thorough survey of the Kansas City police department made during February and March.

The Chamber of Commerce of Kansas City, considering these demands and charges, decided that no correct position could be taken without a great deal of information which was not available. The Chamber, therefore, made an appropriation for a survey of the department to be conducted by the Kansas City Public Service Institute with the assistance and under the direction of August Vollmer.

Two conditions made the time particularly opportune: (1) the newly installed governor of Missouri, who appoints two of the three members of the board of police commissioners (the mayor being the third), had publicly pledged himself to a non-partisan policy of police department operation; (2) new appointments by the governor to the board were about to be made. With the expectation that a new board under this policy would desire to make every possible improvement in police methods it was believed that suggestions developed by a survey would be sympathetically received.

Police officials welcomed the survey and throughout its course coöperated earnestly. It may be suspected that their expectation that the survey would show the justice of their demands for more men and money had something to do with their desire to have the study made.

On the surface there was much ground for the demands. Kansas City has a large area in proportion to population; the number of patrolmen has not increased proportionately with their use for specialized duties; policemen are underpaid; the per capita cost of the department is not unduly high, being about average among the cities in Kansas City's population class.

But the survey report did not recommend increased appropriations or increased number of employees. Rather it stated specifically that with the adoption of the various recommendations appropriations and number of employees can be reduced. The process of putting the recommendations into effect will take some time. Meanwhile there need be no increase in the present rate of expenditure and number of employees.

ORGANIZATION

The survey report discusses at length the organization of the department and the use of the force. Some startling (at least to Kansas City) suggestions are made.

The whole department is under the control of a board of three police commissioners—two members appointed by the governor of the state, and the mayor ex-officio. State law governs the operation of the department. The city pays the bill. The report does not discuss the method of control since it was considered outside the scope of the survey.

No such hesitation is shown with regard to the internal organization of the department. The organization was found to be very loose. Lines of responsibility and authority are not definitely fixed. Supervision is inadequate and often almost lacking. The results are those always experienced under such conditions in any large organization.

Operating direction is divided between the board and the chief. The chief is not in fact the single responsible executive officer. Under the chief there is a serious lack of staff executive and technical assistance. There is no assistant chief, no personnel officer, an insufficient number of adequately trained specialists in charge of different phases of police work. The whole organization is directed by a board with a frequently changing membership, and a chief who serves on the average two years. There is little else in the way of staff organization.

The recommendations on this part of the organization are obvious—definite rules and regulations defining the functions of the board and other officers, making the chief *the* executive officer, appointment of two assistant chiefs, one in charge of line operation and the other in charge of personnel work, with various inspectors under each assistant.

PATROL BEATS

Time did not permit of intensive study of the various special divisions in the line organization. The distribution of the patrol force was concentrated upon. The city is patrolled now, where it is patrolled at all, in several different ways. The basis is the foot-patrol beats which have not been revised in many years in spite of changing conditions. There has been a gradual diminution in the number of patrolmen available for foot-patrol duty with the result that only a few beats are covered on all shifts, a few more on two shifts, more on one shift, and most of the city not at all. Even where the beats are patrolled they cannot be covered adequately because of their size and other conditions. Those parts of the city not covered by foot patrol are protected by auto patrol—a chauffeur and a patrolman in each car. There is some overlapping with foot-patrol beats, and some parts of the city are not covered. The auto patrols, too, are inadequate and not properly organized. Another type of patrol is the motorcycle squad which covers almost the entire city and limits its activity chiefly to traffic violations. The final type of patrol is the mounted patrol, limited, except in one case, to the downtown district, and in its work to traffic problems including parking violations.

The laying out of a beat plan requires consideration of a number of factors. Included in these are the density of population; racial character; residential, commercial or industrial use and types in each class; amount of crime; home ownership; juvenile delinquents; industrial hazards; and many others. Much of the information needed for laying out a beat system was not available and no scientific plan could be prepared. Without a carefully prepared beat plan based on such information an exact statement of the personnel requirements for patrol duty could not be made. Therefore a tentative statement only of the requirements was suggested, based on an analysis of all information available and on personal inspection of all sections of the city.

This statement was based on certain principles:

1. That foot patrols be abandoned except in the main business district.
2. That the entire city including the business district be covered by motor patrol—one man only in a car.
3. That the motor patrol is the only patrol required except for emergency assistance by the reserve squad.
4. That the work of the mounted squad be done by the foot patrolmen in the business district, assisted if necessary by one or two motorcycle men.
5. That traffic lights be installed to replace practically all corner traffic men.

MORE EFFICIENT PATROL WITH FEWER MEN

The adoption of these is dependent on the installation of the new signal equipment discussed later. For this patrol duty, including also wagon drivers and district plain clothes men, it was estimated there would be needed 246 men to do a thoroughly good police job. There are now 323 men on patrol duty doing a very inadequate job. In addition, to provide adequate supervision 56 sergeants will be needed. There are now 37. These estimates do not include corner traffic men, the number of which can be greatly reduced, nor the motorcycle squad which can be used as the reserve force. Some new automobiles will need to be provided.

This plan contemplates covering every section of the city at the proper time intervals. The patrolman will always be within quick call by headquarters or his district station. At present many sections are scarcely patrolled at all, and a policeman on patrol cannot be reached by his district station or by headquarters except when he calls in.

The reserve squad mentioned under the recommendations would be composed of the present motorcycle squad. It would be a mobile force on call for any type of service in any part of the city at any time. It would work under the immediate direction of the first assistant chief. Its assignments might be general or specific, concentrated on a certain section for a certain purpose or put into a district for a general clean-up.

The recommendation that there be but one man in a car has aroused the greatest discussion. Some officials and many men on the Kansas City department believe it impractical and dangerous for one man to be alone in a car. However, practical considerations on the other side indicate that not only are two men in a car unnecessary but that the two-man system is destructive to effective patrol work.

A number of other suggestions with reference to use and distribution of the force are made which are designed to secure better service and reduce wastage of man power.

PERSONNEL—POLITICAL CONSIDERATIONS DOMINANT

Analysis of the present police personnel included methods of appointment and training, length of service, age, education, previous occupation, rating on the Army Alpha intelligence test (given by the survey), promotions, understanding of duties, and salaries.

A summary of the results of these studies shows that political considerations have been a very important factor in the selection of employees; that a very superficial and inadequate two weeks' training is generally given new employees; that all but 85 of the 588 men on the uniformed force have been appointed since 1920; that the turnover has been particularly heavy following changes in the political affiliation of the police board; that only 282 of the 588 men on the uniformed force were 30 years of age or under at time of first appointment—20 being over 45; that over two-thirds of this force had eight grades or less of formal schooling; that 58 per cent grade "C" or lower on the Army Alpha test; that there is no scientific basis for promotions; and that salary schedules are lower than in most cities of the same population class.

These are all general statements. There are exceptions. For example, men of very superior training and intelligence were found frequently in inferior positions. Some men have served many years.

The report discusses personnel problems at considerable length and makes some definite recommendations. It is suggested that applicants be required to have completed the equivalent of eight grades of school work and secure a grade of C+ or better on an intelligence test. Physical and age standards are also suggested. After satisfactorily meeting the application requirements and filing the application blank, other tests are suggested in the following order: will and temperament test, medical examination, character examination, personal interview. Following these, if satisfactorily met, would come the appointment, then three months in a thorough police school suggested to be established, and three months' training on various types of police duty. For promotion further formal courses of study are suggested to be undertaken on the time and at the expense of the employee, examination to count 50 per cent and rating on a service rating scheme 50 per cent.

An officers' training school is suggested for immediate establishment, which all officers should attend to give them opportunity to equip themselves more adequately for their positions.

EQUIPMENT

The equipment of the department was found particularly inadequate. This applies to the headquarters and station buildings as well as to other equipment. It was suggested that a plan be worked out to provide adequate and properly located housing facilities.

The only signal equipment in use is an obsolete Gamewell system limited to use by officers reporting in, and imperfectly covering the city. There is no recall system, and no system of rapid communication between headquarters and stations.

The abandonment of the present Gamewell system is recommended. In its place are suggested a telephone box system and a red-light recall system. The installation of these is a prerequisite to the establishment of the auto-patrol system. A teletype installation is suggested for rapid communication from headquarters to stations.

RECORDS

Records kept by the department furnish a good foundation. Original reports are fairly complete, but the data are not cumulated, tabulated or used for administrative purposes. The report contains quite an extended discussion of the collection, tabulation and use of records, and suggests a new set of forms and the installation of a tabulating machine to make the record information quickly available for administrative use.

RESULTS

It is too early yet to measure the results of the survey. The report was approved in its entirety by the board of directors of the Chamber of Commerce, which instructed its proper committees and departments to follow it up. The new police commissioners expressed their purpose to study the report thoroughly, and their belief is that it will prove of great value. Newspapers have been very favorable.

The action of the commissioners up to this time indicates that they intend to organize and operate the department without political interference. Steps have been taken toward the installation of the signal system suggested as a first requirement. Some minor recommendations have been put into effect.

It was recognized by all concerned that the complete adoption of all recommendations will require two or three years. If a thoroughly efficient department operating with fewer men and less money can be given to Kansas City in two or three years' time, no one can be dissatisfied.

THE O'FALLON CASE—THE DECISION AND WHAT IT PORTENDS

BY JOHN BAUER

Director, American Public Utilities Bureau

The recent pronouncement of the Supreme Court, writes Dr. Bauer, has increased the difficulties of putting utility regulation on a workable basis. :: :: :: :: :: :: :: ::

THIS decision by the Supreme Court of the United States ultimately means much or little, depending upon what Congress does hereafter, and upon what the Supreme Court then does following such congressional action. For the time being, it virtually disrupts the work of the Interstate Commerce Commission in carrying out the system of rate and financial regulation provided for in the 1920 Transportation Act. It deprives the commission of the administrative means of carrying out its statutory tasks. It defeats the underlying purpose of Congress, by imposing upon the commission an unworkable procedure.

The direct issue concerns only the railroads, not other public utilities. It arises out of the duties imposed upon the commission by the 1920 Transportation Act, but is affected also by the 1913 Valuation Act. It involves the basis of valuation as prescribed by those statutes, not the constitutional rights of the carriers or questions of confiscation.

THE DECISION

The decision holds that, under the 1920 Transportation Act, the commission was required to follow the terms of that statute and "give due consideration to all the elements of value recognized by the law of the land for rate-making purposes." This is viewed as an explicit order of Congress, and that the carrier had a right to strict compliance. The "law of the land," as laid down in a long line of utility cases, requires the consideration of *reproduction cost* as an element of "value." This factor was entirely disregarded, or was virtually given no weight, by the commission. This failure to consider reproduction cost was an outright violation of the express order of Congress. Under the statute, the commission must include reproduction cost as one of the elements of value. What weight should be given is a different question, and was not before the court.

This was the view of five judges, but was not shared by three. A minority opinion was prepared by Judge Brandeis, joined by Judges Holmes and Stone. They considered that the commission had obeyed the orders of Congress, had followed the law of the land, had considered reproduction cost, and given it such weight as it deemed proper, and that its action was not in conflict with the decision of the Supreme Court in other cases.

THE 1920 TRANSPORTATION ACT

The 1920 Transportation Act was the culmination of many years' experience with railway rate regulation. It recognized the fact that individual railway properties cannot be taken separately for rate-making purposes; that all the railroads, at least in a large district, must be considered together. Reasonable rates must constitute a continuous network over wide sections of territory. To base rates upon the cost of service incurred by favorably situated properties would spell financial ruin to companies with poorer locations. But to fix rates high enough to enable the weaker roads to furnish adequate service, and to meet the requirements of transportation, would give the stronger roads excessive returns. The weak as well as the strong are needed, and must be adequately supported, without imposing undue burdens upon business, and without conveying to any railroad unwarranted returns.

To meet this situation, the law provided that the railroads should be considered together in the light of the commercial needs of the country at large. First: The commission should divide the country into suitable districts and fix the aggregate value of all the railroads in each district. Second, it should fix rates at such a level as to provide a fair return upon the aggregate fair value of all the properties in the district. Third, since this method of rate-making was intended to assist the poorer roads, it limits the earnings made available to the strong companies. If for any year a carrier receives a net railway operating income in excess of 6 per cent on the value of the property used by it in transportation service, half of the excess shall be placed in a reserve fund maintained by the carrier, and half shall be "recoverable" and paid to the commission for the benefit of a general railroad contingent fund. The entire excess is thus to be devoted to the financial betterment of the railroads "in the interest of commerce of the United States considered as a whole."

WHAT RATE BASE?

The O'Fallon case arose out of the determination of the value for the purpose of measuring the amount of excess earnings subject to "recapture" under the Transportation Act. The St. Louis & O'Fallon Railway Company claimed that it was entitled, as a matter of constitutional right, to have reproduction cost used as the measure or dominant factor. The commission rejected this view, and adopted a basis which it considered not only applicable to the carrier's property, but suited to carry out the general purposes of Congress.

In determining the value for rate-making as well as recapture of excess earnings under the 1920 Transportation Act, the commission was authorized to utilize the results of its investigation under the 1913 Valuation Act, in so far as deemed by it available; and to give due consideration to all the elements of value recognized by the law of the land for rate-making purposes. There was the further provision that whenever, pursuant to the 1913 Valuation Act, "the value of the railway property of any carrier held for and used in the service of transportation has been fully ascertained, the value so ascertained shall be deemed by the commission to be the value thereof for the purpose of determining such aggregate value." Now, precisely, what was the explicit order of Congress in prescribing the basis of valuation?

Under the requirements of the 1913 Valuation Act, the commission has valued all the railroad properties of the country, and has virtually completed that enormous task. In determining the value, it adopted pre-1914 average reproduction cost, less depreciation, for the physical properties existing on June 30, 1914 (deeming such prices as about equal to the average actual cost of construction during the twenty-year period prior to 1914). For construction or installation after 1914, it took actual cost, less depreciation. Railway lands, it appraised on the basis of adjacent property values. On this basis it fixed a single value for each property as of a given date.

In carrying out its duties under the 1920 Transportation Act, the commission substantially adopted the policy of incorporating directly the results attained under the 1913 Valuation Act. For physical properties other than land, it started with the amount as fixed for valuation date; then added all subsequent net additions at actual cost; and deducted further depreciation accrued after valuation date. For land, it made adjustments according to the changes in adjacent land values. With this formula, it expected to maintain practically a continuous valuation. It could promptly determine the aggregate value for each district on the basis of reported facts, subject only to adjustments for changing land values. Likewise, it could fix for each individual carrier the value for the determination of excess earnings.

The commission thus adopted a convenient and definite method to carry out the mandates of Congress in a prompt and efficient manner. It applied this method to the O'Fallon case. It sought to provide for the future not only systematic administration of rate-making and recapture, but to establish financial stability in transportation, to avoid fluctuations in value due to changes in price level, to assure the investors that they will get the return expected when they devote their capital to the service of the public, and especially to attract new capital as needed in the interest of commerce of the United States considered as a whole. The method was designed, particularly, to carry out effectively the basic purposes of Congress, and was considered as meeting the requirements of Congress in respect to the law of the land.

THE BASIC ISSUE

While the company, in the O'Fallon case, raised constitutional questions as to its rights, the Supreme Court considered only the limited question whether the commission had carried out the order of Congress to give due consideration to all the elements of value recognized by the law of the land. It based its decision wholly upon this requirement as construed. It did not inquire into basic purposes of Congress as to which valuation was merely an instrument of administration, and did not consider those purposes in their bearing upon fair value. It looked upon the law of the land dealing with valuation as something distinct from underlying public policies and their dependence upon valuation for satisfactory administration.

The Transportation Act of 1920, unfortunately, did not lay down specifically just how the values should be determined, either for rate-making or recapture. It did, however, set out a comprehensive plan whose underlying object was unquestionably to provide for systematic expansion of railroad facilities as needed for the commercial development of the country. It looked to permanent financial stability, and, of course, fair treatment of the investors, especially the assurance of a constant flow of capital as required by the country at large.

The commission viewed its duties from the broad standpoint of underlying purposes, and considered all the financial facts which had bearing upon those purposes. It gave consideration especially to the fact that on the average two-thirds of the capital of a railroad had been contributed through bonds or other fixed-return securities, and only one-third by common stock. Because of this typical financial structure, any substantial variation in value, based upon reproduction cost, upward or downward, would have a cumulative effect upon the returns obtained by the common stock. The other returns are not variable; they are fixed by contract. During rising prices, value based primarily upon reproduction cost would bring undue returns to the common stock, and during falling prices, would cut rapidly into the credit of the companies. A sustained period of falling prices would make new railway capital almost unobtainable, and would bring insolvency to the industry.

THE LAW OF THE LAND

The commission considered that under the law of the land it was obligated to take into account this basic financial situation: the typical financial structure of the railroads, and the consequences if reproduction cost were made the principal factor of value. It concluded, therefore, that in the basis adopted, it had not only provided fairly for actual investors but had established permanent financial stability, assured a constant flow of capital as needed, and instituted a system that could be promptly and effectively administered. It had regarded the law of the land from the standpoint of these fundamental considerations.

The meaning of "the law of the land" in the determination of value for rate-making purposes, has been far from definite. There is no doubt that the commission did not make an allowance for reproduction cost along the lines emphasized in some of the recent cases, particularly the Southwestern Bell, the Bloomfield, and the Indianapolis Water cases. In these cases, the majority opinions stressed reproduction cost, and established plainly the proposition that substantial, if not dominant, weight should be given to reproduction cost in the determination of fair value for rate-making.

While the commission in the O'Fallon case may be said to have given consideration, even some weight, to reproduction cost, it certainly did not make such an allowance as might be deemed necessary along the lines indicated by the above cases. It did virtually adopt, and undoubtedly expected to apply, a formula to its dealings with the railroads. It expected to eliminate fluctuations due to changes in price level. Except for land, and the recognition given to pre-war reproduction cost, it excluded reproduction cost as a factor, and intended to rely upon books and records.

The question considered by the Supreme Court was whether this procedure constituted compliance with the law of the land under the circumstances of the 1920 Transportation Act. Viewed simply from the standpoint of past valuation cases, the action of the commission certainly could not be held as complying with the law of the land. If, however, the underlying purposes of Congress were to be considered in their relation to the prevailing financial structures, also the requirements of practical administration, then the commission might well be upheld. It considered the law sufficiently adaptable to meet the special conditions of the railroads within the purposes of the Transportation Act.

The minority opinion by Judge Brandeis sets out the various considerations which led him and two associates to disagree with the majority. He held that the commission had considered adequately reproduction cost with relation to the particular conditions with which it was dealing. He recognized the basic decision of the court, that "present value," and not "investment," is to be taken as the basis of rate-making. But he pointed out also that present value is not to be determined by reproduction cost; that this is merely an element to be given such weight as it deserves in the judgment of the fact-finding body under particular circumstances. He made a comprehensive review of the relation of reproduction cost to fair value, and showed especially that reproduction cost cannot be taken as the measure of fair value, because of ordinary depreciation, functional obsolescence, and competitive limitations upon earning power.

EFFECT UPON RAILROADS

The O'Fallon decision does not affect what has been said on valuation in previous cases. It does not apply to general utilities. It is limited to the requirements imposed by Congress upon the commission through the 1920 Transportation Act. It does not go to any constitutional question affecting property rights or confiscation. It may be taken, however, to permit a more limited weight given to reproduction cost than was indicated by other decisions. It does imply that reproduction cost is only an element, not the measure of value, and leaves to the commission the weight to be allowed in individual cases.

The consequences of the decision, however, may be extremely serious so far as the railroads are concerned. The work of the commission will be practically deadlocked, if it attempts to give substantial weight to reproduction cost in dealing with the large number of properties. It will be constantly revaluing the properties, and constantly confronted with conflict of interest as to gross amounts and as to the relative weight to be given to reproduction cost. It will not be able to administer the requirements of the Transportation Act either in fixing the aggregate value as the basis of rates for a district, or the individual values for recapture of excess earnings. Nor can it assure the financial stability that is needed for a constant flow of new capital as required for railroad developments.

If, as many economists believe, we are about to experience a period of falling prices similar to the decline following the Civil War, the railroad companies will find themselves increasingly pressed to meet their fixed charges, if the rates are actually to be based upon reproduction cost or with dominant weight given to that factor. The desired financial stability cannot be preserved, and a constant flow of capital assured, under reproduction cost as the rate base. This is an economic fact that cannot be avoided, if reproduction cost is to control in the administration of the 1920 Transportation Act.

There is the possibility, however, that Congress may yet be able to save the work of the commission, by providing directly and expressly for the basis of valuation that had been adopted in the O'Fallon case. Congress may now establish explicitly what the commission had considered to be plainly implied in the 1920 Transportation Act. With such an express mandate, the work of the commission may yet be saved and rate-making placed upon an effective and financially sound basis.

There is, however, no great assurance that the Supreme Court would not override such an Act of Congress as unconstitutional. The majority of the court apparently considers that utility and railroad valuations should be based dominantly upon reproduction cost, and this may be viewed as a matter of fundamental right, not subject to statutory limitations. There is a considerable probability that the Supreme court would find invalid any far-reaching limitation enacted by Congress, notwithstanding the important issues of public policy that are involved.

BEARING ON STATE REGULATION

The decision may be considered also in its relation to valuation for ordinary rate-making under the jurisdiction of the state commissions. Under the rules as discussed in recent cases, there is no doubt that state regulation has been rendered largely futile. The commissions, under reproduction cost requirements, cannot cope with the enormous amount of work required by rate adjustments. Every attempted adjustment arouses a sharp conflict of interests, results in prolonged hearings, excessive costs, and unsatisfactory results. There has been a growing feeling that regulation must be reconstructed and placed upon a definite basis for effective administration and the maintenance of necessary financial stability.

The program that has been proposed and has received extensive favor would virtually apply to the utilities in general the policy adopted by the Interstate Commerce Commission in the O'Fallon case. The proposal is to provide an initial valuation for every utility as of the present date. In such an initial valuation every factor should be recognized and duly provided for, giving such weight to reproduction cost as may be necessary to meet the requirements of the law of the land. But when such an initial valuation has been established, it would be made permanent, without further variation due to changes in prices or conditions of operation. Only subsequent net investments in extensions and improvements would be added. Both the initial valuation and subsequent additions would be maintained through systematic depreciation allowance. After the initial valuation, the rate base would be determined regularly through accounting processes under exact commission control. Rate-making, at least so far as determining the amount of return to which a company is entitled, would then be a simple arithmetical task which could be readily carried out by ordinary accounting analysis.

To make regulation effective and financially sound requires such a system as thus briefly outlined.

REGULATION OR PUBLIC OWNERSHIP?

The O'Fallon decision now raises the question whether, indeed, such a policy expressly established by the legislatures of the states would receive judicial approval. Does the majority of the court feel that there is an inherent property right to higher values as prices fall? If it has a fixed economic view as to basic constitutional rights, then there is, of course, no possibility of establishing satisfactory future regulation. The system, perforce, would be unworkable and financially unstable. It would not stand against experience, and would inevitably pass into discard because of judicial determination of constitutional rights.

Here, then, is the great question raised by the decision. What does it signify in relation to future policy in dealing with railroads and utilities? The writer has felt heretofore that it would be possible for the legislatures of the states to put regulation upon a workable basis. He still believes that such positive legislation should be enacted, but feels less confident that it would stand against the constitutional attack which would certainly be brought by the utilities. Will the majority of the Supreme Court admit a modification of the law of the land in the interest of public policy to place regulation upon an administrable and financially sound basis? Or will it regard the basis of value as a matter of inherent property rights not subject to modification to meet requirements of public policy?

Perhaps the decision marks the parting of the way in regard to private ownership and operation of railroads and public utilities. If regulation cannot be put upon an effective and financially sound basis, the only practical choice will be to turn to public ownership and operation. The public has become increasingly dissatisfied with the results of regulation in recent years. The utilities have unwittingly done about everything in their power to stimulate such dissatisfaction. Their success before the courts in preventing the establishment of effective regulation, will hardly serve the ultimate interests of private ownership and operation. There are Pyrrhic victories in economic conflict as well as in war.

PROGRESS TOWARD METROPOLITAN GOVERNMENT IN CLEVELAND AND CUYAHOGA COUNTY

BY LEYTON E. CARTER

Director of the Cleveland Foundation, and until May 1, 1929,
Executive Secretary of the Regional Government Committee

A clear statement of Cleveland's metropolitan difficulties. Why the constitutional amendment designed to meet them failed. :: :: ::

CURRENTS of change in this dynamic age indicate that the trend toward large-scale organization is not confined to the business world alone. In the domain of political institutions it appears that present forces controlling the growth of large cities contain the seeds of a new unit of government. This will be in addition to the traditional units, to wit: the state, the county, the city and the township. It will be something between the city and the state in size and character. Different names will, no doubt, be attached to it, such as the Federated City, the Metropolitan City, the Regional City or something else. It will be the product of the outstanding characteristics of modern urban growth.

Present conditions of urban growth clearly demonstrate that cities have the capacity to grow outward as well as upward. Also a large city has the capacity of affecting the territory and inhabitants of an ever-growing region outside of its physical periphery. During the nineteenth century the outstanding aspects of urban development were concentration and congestion. The terms for urban growth set by the twentieth century, if not wholly recasting these earlier characteristics, are modifying them in great degree.

The reasons are not far to seek. New means of communication and transportation, and most important of all the automobile, have brought about and are steadily magnifying these changes. Geographical concentration of population is no longer necessary. The growth of cities is no longer predicated upon rail transportation and urban modes of life are no longer dependent upon proximity to a central core of industrial and commercial activity.

The rapidity of the geographical extension of our large cities is common knowledge, but the extent to which this growth has shown the ineptitude and unwieldiness of governmental arrangements long established has not been so popularized. But the appreciation of the shortcomings of existing governmental arrangements in our great metropolitan areas will develop —and quite as surely as these areas themselves.

During the past several years certain civic and business organizations and the press of greater Cleveland have apprehended with increasing clarity the political implications of the metropolitan growth of the city. How adequate are the present governmental arrangements and how serviceable is the present *division* of powers between the various classes of political units within the metropolitan area? These apprehensions and questionings at length became focused in a common agreement that these problems should be definitely tackled. Accordingly a group of civic and business organizations and a prominent newspaper importuned the mayor of the city of Cleveland to appoint a committee of competent and representative citizens. This he did in November, 1927, making it representative of business, civic, educational and geographical elements of Cleveland, its major suburbs, and of the entire county.

This is known as the Regional Government Committee of "400." The committee organized itself for careful work realizing that the task bristled with difficulties, including the necessity of dealing clinically with established traditions and governmental forms and the exploration of uncharted domains. The committee realized too that it was embarking upon a task which might require a decade or more for its accomplishment. As it got down to work, the following picture unfolded; or at least these are some of the aspects of part of the picture.

THE PICTURE OF A MODERN METROPOLIS

First, it saw that geographically the city was no longer the compact town of Mark Hanna's day. Instead, stretching back on the highlands which border the domicile of the older city is spread a new civilization, the product of iron and steel, the time clock, the internal combustion engine and harnessed electrical energy. Under the surge of forces which characterize modern industrial civilization the old city has literally overflown its banks and spread itself over the countryside.

But this spreading population has not, through this process, become alien to the central city in any economic sense. Clearly it is bound together by transportation facilities—hard-surfaced roads, automobiles, busses and traction cars; by the telephone and other vital public services—water, power and light, and sewerage systems. These are tangible bonds which tend to integrate the ever-outward-spreading population. But even more potent than all these is the fact that this population depends essentially upon the technology and practices which characterize our urban industrial and commercial economy. This economy rests upon integration, coöperation, and interdependence.

Likewise, the recreational and cultural interests of the metropolitan population are interrelated and tend to converge. Various residents of all sections of the metropolitan area avail themselves of the institutions of higher learning, the museums, the principal commercial recreation facilities such as the league ball park, the amusement parks, the great public auditorium, the large theatres—all within the central city.

In their social intercourse urban residents do not make their choices so much upon the basis of propinquity as upon considerations of professional, business, cultural or recreational interest. These choices may carry them well across the metropolitan area instead of across back yards. All this tends to integrate the area.

Along with the economic and social development of the metropolitan area has gone an interesting if not astonishing development in governmental units and practices.

THE COUNTY

In the first place, there is the county government. This (with the exception of a metropolitan park board) is the only government having any sort of jurisdiction over the entire area. Of medieval English origin, it was designed—if the word "designed" can be applied to its haphazard structure—for other days and other needs. The product of unyielding tradition and the needs of an agrarian civilization, its development has been a haphazard accretion of boards, commissions and functions grafted and tacked into a structure which has seen no essential changes since the days of the ox cart. All the county officers are elective and this the constitution requires. These include the board of county commissioners, the sheriff, prosecuting attorney, surveyor, recorder, auditor, treasurer, clerk, and coroner. In addition are the elective judges and various boards of trustees and commissions, some appointed by the courts and others by the county commissioners and township and village officials.

Strictly speaking, no county officer has a superior. In the main, each is responsible only to the electorate which every two or four years must pass some sort of judgment upon the performance of these various servants. A startling decentralization and dissipation of power necessarily results. It would appear difficult to devise a governmental scheme more capable of preventing the exercise of effective power and responsibility. That such a governmental vehicle draws the fire of caustic criticism from the taxpayer, the press and the reformer should cause no wonderment; the wonder is that the vehicle runs at all.

But it was seen also that the county has important powers and functions. There are the county roads, the foundation of a future metropolitan highway system. Through the sheriff, an office of eighteenth century model, it must cope with the swift-moving criminal and gambler in the sparsely settled regions. Through the auditor and treasurer, it is the tax assessor and tax collector for all local governments. It has important welfare and charitable responsibilities. Also, in late years, it has been called upon to function in the utility field, i.e., water distribution systems and sewerage control. Then there are the courts with their ever increasing burden. But these powers are dispersed, uncorrelated and in various instances encroached upon by other jurisdictions.

MULTIPLICATION OF MUNICIPALITIES

Perhaps the most striking development has been the growth in number of municipalities within the county.

These now number four cities and fifty villages. (Cities must have a population of 5,000 or more and villages less than that number.) The four cities are Cleveland, with a population of 1,010,300; Cleveland Heights, 50,400; East Cleveland, 44,600; Lakewood, 71,800. The villages range in size from one-tenth of one square mile to 16.35 square miles. About 90 per cent of the total territory of the county is now incorporated area. This process of incorporating areas of varying sizes and conditions has been going merrily on during recent years until now nearly all residents of the county are living under municipal governments. But by no means all of the area in the county could be described as urban in appearance.

The reasons for this astonishing increase in the number of municipal corporations in the territory surrounding Cleveland proper are not difficult to discern. As a suburban community springs up, there is need for a local government to perform local public tasks. The municipal corporation is a convenient vehicle and is readily procurable.

Instrumental, too, has been the pronounced desire of the suburbanite to control his environment, hence the setting up of a government of his own making in which he can acquire status or consciously share in its control.

No one of the existing municipalities covers over one-sixth of the area of the county, and this but throws into bolder relief the mosaic which exists—a metropolitan region divided into scores of jurisdictions and each one so generously endowed with power that it could deal effectively with many metropolitan governmental needs if only it covered the whole area. Yet this sufficiency of power in each only serves to enhance the separatism which exists.

DOES THE COUNTY GOVERNMENT OFFER ANY HOPE?

But looking to the county government; could it be the solvent which can dissolve this mosaic to some degree and blend its structure and composition where necessity dictates? The defects of the county form of government have been touched upon—decentralization of power, the lack of responsibility, and a restricted range of powers. To these handicaps is added another distressing one in Cuyahoga County. Here the county finds its domain covered with cities and villages possessing powers in certain important fields conflicting or at least concurrent with its own. So the county government upon getting its clumsy and disjointed machinery into motion may find itself hedged about and retarded by the powers of municipalities, if not actually estopped at corporation lines. This is true with the construction and maintenance of county highways. The county can carry on these functions within municipalities only upon their consent despite the fact that the highways may be of regional and arterial significance. So with the creation of sewer and water supply districts by the county. Here also the municipalities must give consent even though these are regional or at least not local functions; so with public health administration, it being divided between county authorities and city authorities. In the public welfare field there is likewise division of responsibility and authority between the county government and central city. In the field of transportation facilities the municipalities have power to control and regulate, but no municipality in the county has jurisdiction over sufficient area. The county has jurisdiction over a large area, but no power in this field so vital to a metropolitan community. So it is apparent that the county, defective in structure, deficient in its range of powers, and handicapped in performance within incorporated areas, is in no position to grapple with the problem of metropolitan governmental needs.

It was found that the statutes contain authority for the joint action of municipalities in the construction and management of various public works or improvements and for undertaking regional planning. These legal devices, however, require the voluntary coöperation of separate municipal corporations to have any effectiveness. While resort has been made to them on occasion, it seemed clear that they do not possess the vitality and the potentialities for usefulness that the development of the metropolitan area requires.

Also it was realized that adequate authority exists for annexation of the municipalities surrounding Cleveland to the parent city upon the consent of the parties concerned. During its history the city of Cleveland has grown very substantially by annexation. More additions will no doubt come in this way. But it was clear to the committee that the temper and conviction of most of the suburbs is such that amalgamation of the metropolitan area by this means is not in the realm of practical possibility. Moreover, if it were and all of the principal suburbs became annexed to the city of Cleveland, the problem of county government would still remain.

CONSTITUTIONAL CHANGES NECESSARY

As the committee's work progressed and the picture unfolded, it became increasingly apparent that effective treatment of metropolitan problems would require constitutional amendment. The basic reasons were three: first, no important or thoroughgoing changes in the form and organization of county government are possible in Ohio without a constitutional change.

It was thought unwise to consider adding far-reaching metropolitan powers to the county without first making possible the reconstruction of the form of county government.

Second, the constitutional home-rule powers of all municipalities prevent the delegation of important municipal powers to the county or to any regional or metropolitan governmental unit that might be set up. One essential requirement of the whole situation is the necessity of redistributing municipal powers between existing municipalities and a metropolitan governmental unit whether this be a rehabilitated county government or something else. The home-rule powers of the inhabitants of the metropolitan area should not be lost to them but so distributed as to do the most good.

Third, a qualification should be written into the uniform rule of taxation imbedded in the constitution which would permit the differential treatment for taxation purposes of urban, suburban and rural property in the growing metropolitan area. Such differential treatment would greatly facilitate the orderly and proper development of that area.

Therefore the committee drafted a constitutional amendment having these major considerations in mind. The amendment as considered by the legislature during its session recently closed embodied the following principal provisions:

First, the General Assembly was given power to provide by general law for the organization and government of counties; second, power to provide for the incorporation as a municipal corporation of any county which might frame and adopt a charter under provisions and regulations established by law. Third, an incorporated county would have all of the powers applying to counties generally and such powers of other governmental units as its charter might provide. (Existing municipalities and other governmental units would retain all powers not delegated or ceded to the incorporated county.) Fourth, authority for setting up separate taxing districts within the incorporated county and different tax rates in these districts for the purposes of the incorporated county.

Finally, limitations were set up governing the manner in which such a charter for an incorporated county might be adopted. Under these limitations any such charter or amendment thereto to become effective must be affirmed by a majority of those voting thereon (1) in the county; (2) in any city having as many as sixty per centum of the inhabitants of the county; (3) by a majority in the county outside of such city and (4) a majority in each of three-fifths of the total number of municipalities and townships in the county.

The outstanding purposes sought to be accomplished by this amendment were first, to open the way for the legislature to work out a more reasonable and effective form of government for counties generally; second, to provide through the "incorporated county" idea a governmental vehicle adequate to the requirements of large and growing metropolitan areas.

It was not thought wise to write into the amendment a specific enumeration of powers that an incorporated county should have and a specific enumeration of what municipal powers would be reserved to existing municipalities. In order to prevent the adoption of a charter for an incorporated county involving an undue assumption of municipal and township powers the "hurdles" or limitations above enumerated were set up. These, it was thought, would prevent the adoption of any charter which did not have general and widespread support both in big and little jurisdictions throughout the county.

THE AMENDMENT FAILS

The amendment was introduced into the lower house of the General Assembly early in the session. After two spirited and extended public hearings it was reported out of committee with the recommendation for passage.

The measure had the active support of the State Chamber of Commerce, also of the local chambers in the major cities except Cincinnati, which was neutral, the State Council of Retail Merchants, the approval of various farm organization leaders, certain bar associations and other societies in the major cities. In Cuyahoga County the measure had widespread support. All of the members of the Cuyahoga County delegation except one were favorable. The mayor and city manager of the city of Cleveland were likewise helpful. Various organizations such as the Chamber of Commerce, Real Estate Board, Chamber of Industry, Women's City Club, Federation of Women's Clubs, Association of Apartment Owners and many citizens gave their support.

The opposition was centered chiefly in Hamilton County where Cincinnati is located. The Hamilton County delegation under the domination of the local Republican organization was actively opposed. The mayor of the city, however, and the charter group and the Cincinnatus Association were favorable. The mayor of Norwood, a suburb of Cincinnati, and various of its citizens were actively opposed. Among the most vociferous objectors were representatives of a state-wide organization of township trustees. These representatives declared that township government was the most efficient of all governments and constituted the last stronghold of political purity in the nation, and that any attempt to upset this traditional form of government was to be fought to the last ditch. Incidentally these assertions seemed scarcely germane inasmuch as the terms of the amendment did not involve any particular assault upon township government. Representatives of the Home Rule League, an association of small municipalities, likewise were energetic opponents.

In Cuyahoga County, the opposition was centered chiefly in certain outlying suburbs and in the suburban mayors who felt that the amendment did not afford sufficient specific protections to the powers and integrity of the small municipalities. Despite the approval of the chief leaders of the farm organizations, a good many of the rural members of the Assembly were either indifferent or actively opposed to the amendment.

A vote upon the floor of the House was prevented because the rules committee in charge of the House calendar refused to place the matter on the active calendar. The rules committee was largely under the domination of the Hamilton County delegation and was adamant in refusing to allow this measure even to be debated. Considerable animosity existed throughout the session between the Hamilton County and the Cuyahoga County delegations which had its origins in a contest over the House speakership and other matters not particularly germane to this constitutional amendment. The Hamilton County delegation's opposition, however, was in part due to the fact that the "charter group" in Cincinnati was favorable to the amendment and, as is well known, has been antagonistic to the regular Republican organization in that county. A last-minute attempt was made to alter the amendment making it applicable to Cuyahoga County alone and to secure a vote upon it in this amended form. The rules committee, however, refused to place this on the active calendar despite the fact that it would have been a one-county measure not affecting Hamilton County whatsoever.

WORK TO CONTINUE

The Regional Government Committee is determined to continue its work. It considers the failure of the measure at one legislative session but an episode in its campaign. It has realized with increasing clarity that accomplishment of the goal may be quite a distance in the future. It has realized, too, however, that time will work in favor of the committee as metropolitan areas continue to grow and their governmental problems become more aggravated.

Certain accomplishments, however, may be chalked up. A large amount of basic research work has been done. Widespread publicity has been given the whole subject, most extensively in Cuyahoga County, of course, but likewise by the major newspapers of the state. The support of important state-wide and local organizations has been assured. Members of the legislature have had an initial acquaintance with the problems involved, and a very considerable amount of citizen interest in the more populous counties of the state has been evoked.

The major questions of policy now confronting the Regional Government Committee are, first, whether a future proposed amendment should be limited to Cuyahoga County alone and, second, if the future amendment is drawn to apply to all counties whether it would be placed upon the ballot by the initiative route or whether the attempt should again be made to have it referred to the electorate by a three-fifths vote of the General Assembly.

RECENT BOOKS REVIEWED

THE NEW CITIZENSHIP. By Seba Elbridge. New York: Thomas Y. Crowell & Co., 1929. Pp. 357.

This volume is one of many which have sought to analyze the problem of citizenship and to present a program which might be more fruitful in bringing citizens to a realization of their responsibilities. As the author states the problem, it is "that 'the people' are rather definitely abdicating their rule, if they ever exercised it and that the rule they still exercise is very largely rule by passive consent, with all that term implies." In general his solution occupies the third position to which we have advanced. Our first solution was to improve the type of individual who held public office. This was the theory of the 1890's. The second solution was to improve the organization of government by means of short ballot, proportional representation, initiative, referendum and recall and in other ways to remove obstructions to the execution of the citizens' will. These propositions were contradictory in some cases, such as the short ballot and the initiative and referendum. The author of this volume goes further and analyzes the movements for community centers, adult education and the application of social work technique in the treatment of social problems. As the church, home, school, newspaper, radio, vocation, economic class, political party, social-work agency and community organization have not developed the desire for continuous, intensive and systematic study of the citizen's problems by the citizen himself, the author proposes a *primary-group* organization which would secure face-to-face contacts in order to secure concerted action in public affairs. These groups are to meet regularly, are to study social organization, and local, state, and national problems. Federal organization of these primary groups is proposed, which would be concerned with formulation of public policies and the selection of public officials. This idea has been proposed many times before, and is not new with the author of this book. The limitations of the plan are many, as the author will agree. Party differences, social and economic distinctions, inertia, interests in private affairs, the pressure of social life are all factors which absorb the working time of most citizens. The competition of existing civic organizations and general prosperity are also limiting factors.

Such a program might interest many for a short period, but a long-time movement such as the author suggests is a utopia which will require economic and social pressure of a different type than is found at present.

F. G. CRAWFORD.

Syracuse University.

✤

PROBLEMS OF GOVERNMENTAL SIMPLIFICATION, ADMINISTRATIVE PROCESSES AND FINANCIAL AFFAIRS OF THE VARIOUS LOCAL TAXING DISTRICTS IN CHICAGO AND COOK COUNTY. By J. L. Jacobs. Pp. 31.

The governmental problems of Chicago do not relate exclusively to gunmen and William Hale Thompson, as this pamphlet eloquently testifies. In 26 pages there are outlined a series of problems with which able students of local government will still be wrestling years after those notables have passed into folklore. The report, the work of J. L. Jacobs, is not intended to offer definite solutions, but rather to throw into clear relief some of the major defects in the organization and administration of metropolitan Chicago and to block out a series of objectives in the improvement of local government and finance. It was prepared for the information of the advisory board of estimate and apportionment, consisting of a group of prominent citizens appointed some months ago by the board of commissioners of Cook County.

The report briefly presents a program consisting of fourteen points. The first and most basic proposal is, of course, the unification and coördination of the system of local government. As is well known, the government of greater Chicago presents a picture of the utmost confusion and complexity. According to the author there are now some 31 separate and distinct local governments within the city of Chicago proper, and within Cook County as a whole no less than 415 independent or semi-independent governmental units. Few sections of the county are subject to less than seven separate governmental units, and in some cases there are as many as fourteen independent tax levies. Basic functions are divided among a variety of separate agencies.

Police protection, for example, is parcelled out among city, park, county, highway, forest preserve, township and village police forces. A simplification of the machinery for administering such services is urged.

The report also suggests the grant of home-rule powers to cities and to unified city-county governments, and urges the short ballot and an extension of the civil service system. Financial problems are considered at greatest length, however. Here the report points out the weaknesses of the existing local tax system, the importance of sound and uniform budget and accounting systems, and the desirability of a long-term improvement program.

The most interesting proposal is the establishment of a central board of estimate and apportionment to integrate financial administration within the area. The functions of such a board are merely sketched in broad outlines, but they embrace central financial planning, the approval of bond issues and increases in tax rates, and the development of a long-term financial program, to mention some of the chief items.

The report represents a very interesting and laudable effort to take stock in a preliminary way of the major problems of governmental organization and finance in a great metropolitan center. It offers stimulating reading to the outsider and should be very helpful to the advisory board in directing its efforts. It is to be hoped that the board will be able to follow through with its program, and that the results of its studies may meet with better fortune at the hands of the so-called "practical" men of politics than has often been the case.

R. C. Atkinson.

The Ohio Institute.

✣

Capital Expenditures. Finance Department, Chamber of Commerce of the United States, Washington, D. C., October, 1928. Pp. 30.

Relations Between State and Local Governments. Finance Department, Chamber of Commerce of the United States, Washington, D. C., December, 1928. Pp. 27.

These two brochures are additional studies in the series of educational pamphlets on state and local finance prepared and issued by the United States Chamber of Commerce. They are intended "for use by public officials and organizations of business men interested in promoting the sound administration of governmental finance."

The study on Capital Expenditures, after pointing out abuses and bad practices in capital financing, enunciates a set of principles which has received the endorsement of the organization members. These principles relate in general to the types of bonds and methods of soliciting bids, to the issuance of bonds by overlapping jurisdictions, and to the financing of capital outlays from current revenues. Some of the more important recommendations are as follows: serial bonds are approved in preference to sinking fund bonds; borrowing units should canvass market conditions and endeavor to offer their securities where the best terms are available; in offering bonds, state and local governments should consider the advisability of soliciting bids only on the rate of interest to be paid rather than stipulating a rate of interest and seeking bids on the premium or discount incident to such a fixed rate; to prevent the excessive pyramiding of local indebtedness, close attention should be given to the consolidation of overlapping and multiple units; special assessment bonds should be authorized and sold in the same manner as general municipal issues, with the faith and credit of the city, as well as the property benefited by the improvement, as security; to secure more economical and orderly planning and execution of capital improvements, state and local governments should examine carefully the possibilities of paying from current revenue for annually recurring amounts of capital expenditures except those which are of self-supporting character; capital improvement programs should be planned several years in advance, and they should be adhered to until officially amended; finally, it is urged that bond issue proposals should be so worded as to indicate clearly the amount of taxes which will be necessary annually in order to meet the proposed obligation.

The second bulletin which discusses *Relations Between the State and Local Governments* does not attempt to formulate conclusions, because of "certain controversial aspects" incident to the question of the degree and extent of supervision that is desirable in fiscal matters, as well as the method of exercising it. This report, therefore, is a compilation of information on state administrative supervision of the fiscal activities of local units. It is especially concerned with the experience of state control in such matters as assessments, accounting, auditing, bond issues, budgets, and technical aid. The situation in Indiana is canvassed in some detail, but the references to the experiences of other states are very general. An appendix of the bulletin summarizes existing practices of the several states with respect to state legislative or administrative supervision of local fiscal operations.

The statements of facts and principles presented in these studies have long been familiar to students of governmental finance. By popularizing these ideas and stimulating their application, the Chamber of Commerce of the United States is aiding materially the cause of scientific public administration.

Martin L. Faust.

University of Pittsburgh.

✤

MUNICIPAL REPORTS

Cincinnati, Ohio. *Report of the Activities of the City Government for the Year 1928. C. O. Sherrill, City Manager.* Pp. 198.

But for its length, here is a report that closely approaches the standards set up by the writer for the purpose of appraising municipal reports. It is attractive—the front cover contains a cut of the Cincinnati municipal airport. Another feature worthy of special mention for the reason that it is invariably omitted from most reports is the emphasis placed upon important facts. Throughout the text the reader finds his attention attracted to significant statements by means of a change in type. This feature makes it possible for the reader to gain, in a very few minutes, more definite impressions on what has been accomplished than would otherwise be possible after hours of searching. The good taste used in the selection and placement of the illustrative material is also commendable.

The report begins with a comprehensive table of contents which enables one to find without loss of time the object of his immediate concern. This is followed in order by a cut of an aerial view of the city, a directory of the chief officials of the city, an organization chart, then a foreword by the city manager, who very briefly presents a résumé of the outstanding accomplishments of the year and closes with a list of ten "suggestions for the consideration of the council." The next 150 pages are taken up by the more detailed reports of the various organization units. An appendix of 22 pages contains copies of the city charter and the administrative code. All in all this report sets a standard difficult to surpass.

Norwood, Mass. *Annual Report of Town Officials for the Year Ending December 31, 1928. Clarence A. Bingham, City Manager.* Pp. 305.

This report is likely to get a large amount of undue criticism for its great length. Perhaps a certain amount will be justified, but the reader must realize that the old New England Town Meeting Laws require that every birth, death and marriage be recorded in the "Annual Book." There are also certain by-laws requiring the details of all financial transactions to be likewise reported.

So when one opens this report and is confronted with forty pages of what transpired at the town meetings during the year, then twenty pages of names of persons who were either born, married or buried in the town during the same period, then seventy-five more pages of minute financial transactions before even getting to the manager's report, the blame should not be placed on the report writer.

The manager's report begins on page 154, and it briefly sums up the significant accomplishments of the year, by departments—an excellent idea well executed. The balance of the report is taken up by more detailed reports of the various departments including a very comprehensive one of the school department. About a dozen photographs add greatly to the interest of the report.

Pontiac, Mich. *Fifth Annual Report Under Commission-Manager Government. Clifford W. Ham, City Manager.* Pp. 89.

This is the third successive annual report from this city which has been reviewed in these columns, and the distinct improvements in this last issue are quite apparent. It is attractive—the cover is dignified, neat, and conservative—the text nicely illustrated by means of well chosen pictures and clear charts. The report opens with a municipal organization chart, thereby making it easy for the reader to associate properly the various organization units one with another as he reads the account of their activities. A brief index is placed at the end of the report. This probably would have been more useful if placed near the front, for then it would be found immediately upon opening the report.

Perhaps the outstanding characteristic of this excellent report is the apparent balance which is maintained in dealing with the various activities. Very often report writers emphasize a certain activity far beyond its relative importance merely because it lends itself to dramatization more than some other more obscure yet equally essential activities. Another feature which helps to place this report among the best of the year is the clear statement dealing with the future problems of the city. Mr. Ham is right in maintaining that the purpose of an annual report is not merely to set up a record of things accomplished but to also record the problems which are demanding solution.

Clarence E. Ridley.

REPORTS AND PAMPHLETS RECEIVED

EDITED BY E. A. CRANDALL

Final Report of the Commission on Public Accountancy of the Territory of Hawaii.—1929. 14 pp. Report of a commission authorized in 1923 and appointed in 1924. Some of the powers given to the commission were: to install a uniform system of accounting and reporting, establish a budget system, and to install a uniform business procedure. The report gives a summary of the work of the commission and lists the seven manuals, five bulletins and forty circulars published.

⁂

A Long-Term Financial and Improvement Program for the City of Schenectady, New York.—By the Capital Budget Commission, April, 1929. 69 pp. (Mimeographed.) A detailed analysis of Schenectady's income, expense and desired improvements. Suggestions of possible economies are included. The section on improvements planned explains in detail the capital budget necessary for the improvements, a description of them and their purpose, the effect of the program on the tax rate and final recommendations. It is an especially valuable report because it takes into consideration not only the projects themselves, but also the various activities affected and the problems resulting from such a program. The report will be discussed in detail in an article in the August issue of the Review.

⁂

The Condemnation Procedure of Twenty-Three Cities.—By the Detroit Bureau of Governmental Research, Inc., May, 1929. 33 pp. (Mimeographed.) A summary of the methods used in some of the larger cities of the United States in taking land for public improvements. Whether this can best be done by direct purchase from private owners or by eminent domain through condemnation procedure is the question each city has had to answer. Detroit uses condemnation and is interested, therefore, in the information from other cities on this method of procedure. Judging by the frequency with which questions arise in various cities on this same question, it would seem that this study of the Detroit Bureau should be found very useful.

⁂

Governmental Organization of Westchester County.—By the Westchester County Research Bureau, January, 1929. 85 pp. An outline of the functions of the departments and bureaus in the Westchester County government. The purpose of the report is educational and primarily for the voters of the county. It is a result of the many questions asked in connection with the recent attempt to obtain a county charter.

⁂

Glasgow, Its Municipal Undertakings and Enterprises.—By David Stenhouse, Town Clerk, 1928. 103 pp. A survey of the various administrative activities of the government of Glasgow. The report was compiled chiefly in answer to requests for information from places "both at home and abroad," but the compiler hopes it will also prove useful and interesting to the citizens of Glasgow and to the general reader.

⁂

Proceedings of the Third Institute of Municipal Affairs.—Under the auspices of the Bureau of Municipal Affairs of Norwich University, Northfield, Vermont, January, 1929. 60 pp. A report of the Third Institute of Municipal Affairs held at Montpelier, Vermont, January 16 and 17, 1929. City planning and zoning, budgets, municipal airports, city manager form of government were some of the subjects of discussion.

⁂

Construction of School Buildings in the Towns and Smaller Cities of New York.—By the Special Joint Committee on Taxation and Retrenchment, February, 1929. 79 pp. A description of the practice at the present time with conclusions and recommendations. The report is an attempt to curtail the amounts expended by local communities for school buildings.

JUDICIAL DECISIONS

EDITED BY C. W. TOOKE

Professor of Law, New York University

Police Power—Judicial Review of Ordinances Relating to Public Health or Safety. —In the November, 1928, number of the REVIEW, we commented upon the decision of the U. S. Circuit Court of Appeals, Eighth Circuit, in the case of the *City of Marysville* v. *the Standard Oil Co., et al.* The Supreme Court on May 20, 1929, handed down its decision, affirming the decision of the Circuit Court of Appeals. The opinion of the Court, delivered by Mr. Justice Stone, so fully and ably sets forth the principles upon which the courts should act in passing upon the reasonableness of police ordinances that we believe it should be printed in full without further comment. Justice Stone's opinion is as follows:

This case is here on certiorari, granted January 2, 1929, — U. S. —, to review a judgment of the Court of Appeals for the Eighth Circuit, reversing a decree of the District Court for Kansas which enjoined the enforcement of an ordinance of respondent, the City of Marysville, as in violation of the Fourteenth Amendment of the Federal Constitution. 27 F. (2d) 478.

The ordinance, No. 350, of October 8, 1923, requires that all tanks within the city limits used for the storage of petroleum products or other inflammable liquids shall be buried at least three feet underground. Tanks of a capacity of 500 gallons or less, if used for the storage of crude oil, distillate or fuel oil, and of less than ten gallons, if used for the storage of gasoline, kerosene or naphtha, are exempted from this requirement. Violation of the ordinance is punishable by a fine of $25.00 for each day of its continuance. Petitioners, who are dealers in petroleum products licensed under a former ordinance, have each for many years maintained within the city limits two tanks for the storage of gasoline and kerosene of approximately 12,000 gallons capacity each. They assert that compliance with the ordinance will impose upon them a large and unnecessary expense and that the ordinance is so arbitrary and capricious as applied to them as to deprive them of their property without due process of law.

At the trial before a master voluminous evidence was taken, much of it conflicting, speculative and theoretical in character, concerning the relative safety of the storage of petroleum products above and beneath the surface of the earth and their relative likelihood of ignition, and danger of life and property in the vicinity if ignited, when so stored. The master made elaborate findings of fact from which he inferred generally that it is more dangerous, from the standpoint of public safety, to store underground than above, gasoline or kerosene in quantities of ten gallons or more. From this he drew the legal conclusion, adopted by the district court, that the ordinance was so arbitrary and capricious as not to be a permissible exercise of the police power.

We need not labor the point, long settled, that where legislative action is within the scope of the police power, fairly debatable questions as to its reasonableness, wisdom and propriety are not for the determination of courts, but for that of the legislative body on which rests the duty and responsibility of decision. *Zahn* v. *Board of Public Works*, 274 U. S. 325, 328; *Hadacheck* v. *Los Angeles*, 239 U. S. 394, 408–412, 413–414; *Euclid* v. *Ambler Realty Co.*, 274 U. S. 365, 388; *Jacobsen* v. *Massachusetts*, 197 U. S. 11, 30; *Laurel Hill Cemetery* v. *San Francisco*, 216 U. S. 358, 365; *Cusack Co.* v. *City of Chicago*, 242 U. S. 526, 530; *Price* v. *Illinois*, 238 U. S. 446, 451. To determine that the present ordinance was a permissible exercise of legislative discretion, as thus defined, we need not go beyond those findings of the master to which petitioners offer no serious challenge.

The master found that gasoline and kerosene stored in large quantities are dangerously inflammable substances, as we judicially know, *Pierce Oil Corporation* v. *City of Hope*, 248 U. S. 498, 500, which, when ignited, are a menace to life and property in the vicinity; that even with the use of the most modern safety devices, fires or explosions of such storage tanks occur and that within the four years preceding the trial five disastrous fires of gasoline storage stations had occurred in Kansas, in two of which gasoline tanks had exploded, in one case striking and burning a building 475 feet away, killing nine people, wounding twenty-six more and burning several other houses. His findings show that within an even smaller radius from petitioners' tanks, or within the same or adjacent blocks, there are many buildings, including residences, a hotel, warehouses and garages, some of wooden structure, and gasoline and kerosene storage tanks of 75,000 gallons capacity, and that the principal business street of the town is within two blocks of the Standard tanks. From local conditions and recent public improvements the master found it reasonable to conclude that there would be increased residential building in the vicinity.

The objection which petitioners make to the storage of gasoline and kerosene in tanks buried under ground is that through the effect of electrolysis and corrosion caused by acid in the soil, and the possible "floating out" of the tanks, leaks are likely to occur, difficult to discover, by which the gasoline might penetrate through the earth into sewers, wells and basements, contaminating the water and causing explosions. But the master found that conditions which produce electrolysis are not present in the City of Marysville; that only a slight percentage of acid was found in the soil there, and although there was more chance of corrosion of metal under ground at the Standard Oil property than at the Sinclair tanks, it might take a term of years for it to take place. The findings also show that tanks already placed under ground in the vicinity in compliance with the ordinance and which it appeared had been in successful operation for more than two years, had not "floated out" during periods of heavy rainfall and the danger of floating could be overcome by proper drainage and by anchoring down the tanks; that the tanks buried in compliance with the ordinance would rest on a level below the sewers; that there were no wells in the vicinity and that the soil there had been shown by experiment to be impervious to gasoline. It was also found that the danger from fire or explosion due to lightning, which causes many fires in gasoline storage, and from static electricity, is less with under ground than above ground tanks and that the base rate of insurance on storage tanks of gasoline and kerosene under ground is 50 per cent of that for tanks above.

The facts that the tanks of petitioners within the city limits have been operated successfully above ground; that appliances used by them are of the best type; that fires in connection with their many tanks located elsewhere have been relatively infrequent, and numerous others found by the master, were properly for the consideration of the city council in determining whether the ordinance should be enacted, but they fall far short of withdrawing the subject from legislative determination or establishing that the decision made was arbitrary or unreasonable. The passage of the ordinance was within the delegated powers of the city council, *City Service Oil Co.* v. *Marysville*, 117 Kan. 514, and it acted within its constitutional province in dealing with the matter as one affecting public safety. *Pierce Oil Corporation* v. *City of Hope, supra*. From the facts as found it might, in the exercise of a reasonable judgment, have at least concluded that the danger of ignition to the tanks placed under ground, under the conditions prevailing at Marysville, was no greater than when placed above ground and that in the event of ignition the danger to life and property was very much less.

We may not test in the balances of judicial review the weight and sufficiency of the facts to sustain the conclusion of the legislative body, nor may we set aside the ordinance because compliance with it is burdensome. *Chicago & Alton R. R.* v. *Tranbarger*, 238 U. S. 67, 77; *Hadacheck* v. *Los Angeles, supra; Rast* v. *Demen & Lewis*, 240 U. S. 342. It does not preclude petitioners from locating their storage tanks without the city limits. Hence, the burden imposed upon them cannot be greater or otherwise more objectionable than that imposed by the enforced removal from cities by legislative action of dangerous or offensive trades or businesses. See *Pierce Oil Corporation* v. *City of Hope, supra; Hadacheck* v. *Los Angeles, supra; Reinman* v. *Little Rock*, 237 U. S. 171; *Euclid* v. *Ambler Realty Co., supra; Fischer* v. *St. Louis*, 194 U. S. 361; *Laurel Hill Cemetery* v. *San Francisco, supra*.

We have considered but do not discuss other objections to the ordinance which are without merit.

Affirmed.

PUBLIC UTILITIES

EDITED BY JOHN BAUER

Director, American Public Utilities Bureau

PAMPHLETS ON ELECTRIC INDUSTRY AND RATES

During the past year there has been extensive public discussion of the electric power industry, its organization, control, costs, and, particularly, rates. In line with this discussion, numerous publications have appeared—some scientific and instructional, others devoted mainly to propaganda. We shall briefly summarize the contents of several pamphlets that have come to our attention:

Government (Political) Ownership and Operation and the Electric Light and Power Industry.—Prepared and published by the National Electric Light Association. It presents (1) the history of political ownership and operation; (2) questions usually asked about political ownership and operation; (3) authoritative opinions on public operation and the relation of government to business; (4) a list of municipalities which have abandoned, sold or leased their electric plants to private companies, or which have retained their distribution systems and are purchasing power from private companies.

The work consists of 530 pages, and is sheer propaganda. Except for unimportant statements of technical facts and specific transactions, there is hardly a stated proposition which is not a one-sided defense of private ownership and operation, as against public ownership and operation. It is noteworthy that in part 3, which sets out "authoritative" opinions on the subject, not a single economist is included; not a person who by training is controlled by analysis of facts, instead of doctrines.

The array of municipalities which to a greater or less extent have given up public ownership and operation, appears formidable. The list, however, consists almost entirely of small towns, which probably in most instances started many years ago with municipal systems because private companies could not be attracted to furnish the desired service. The plants were small, costly, and, of course, inefficient. With modern central station development, naturally, power could be bought cheaper than manufactured under such local conditions. This applies to all small plants established a generation ago, whether owned municipally or privately. This is a matter of progress, and, of course, has nothing to do with the relative efficiency of public ownership and operation.

As to rates charged to domestic consumers, one wonders how the municipalities which sold both plant and distribution systems would compare with the communities which have retained their properties, or, at least, have held to their distribution systems. There is a serious question whether, by and large, the economies of central station connection have not been largely absorbed by excessive overheads, and not passed on to the ordinary consumers. One also wonders whether with the next cycle of progress just ahead, the communities which have retained their plants will not be better off by installing modern Diesel engines, and avoiding the costs of membership in elaborate systems, with all their surcharges and returns on pyramided reproduction cost valuations. These are questions that one cannot answer, but they are in no way illumined by the particular N. E. L. A. publication.

✣

The Study of Electric Light and Power Service.—Prepared by Samuel S. Wyer, with an introduction by Charles F. Scott, professor of electrical engineering at Yale University, for the Fuel-Power-Transportation Educational Foundation of Columbus, Ohio, from which copies may be obtained free of charge. This pamphlet is a primer for the ordinary lay reader, on the processes of electric production and distribution. From the standpoint of technological description, it serves its purpose excellently. From the economic standpoint, however, it is open to criticism on most of the points presented. It succeeds especially in interweaving questionable economic statements with well-explained technological data. It mixes clear facts with plain propaganda, or, at least, with one-sided and unsupported opinion. For example, there is the flat statement that, "in Ontario the domestic rates are below cost and lower than in the United States, and the industrial rates are higher than in the United States." This, of course, is opinion instead of plain fact, or conclusion without analysis.

⁂

Electricity in the Home.—Prepared under the auspices of the City Club of New York, under the direction of the Club's committee on public service, of which J. B. Reid is secretary. The principal objective is to promote an electric rate structure which will permit extensive electrification of the ordinary home. The pamphlet discusses the conditions affecting costs, and points out that complete domestic electrification would help to produce a favorable load factor; that the increased consumption would require little, if any, new plant, and would cause but slight additional costs for production and distribution. It presents comparative rate data as between New York companies and various municipalities. It describes the several state systems of power distribution, and comes to the conclusion that the rates maintained are excessive and should be reduced and readjusted, so as to make electricity more generally available for domestic purposes.

⁂

Recent Growth of the Electric Light and Power Industry.—Prepared by Charles O. Hardy, for the Brookings Institution, Washington, D. C. A factual study relating to the growth of power-plant facilities, utilization, and financial results. It is not concerned with rates or the basis of rate-making.

The study is based principally upon a questionnaire which was sent to the principal operating and holding companies. It utilized, however, also other data available, especially from the Census Bureau and the Geological Survey. It presents most of the facts in comparative form, covering 1921 to 1927, inclusive. It indicates: (1) that the volume of sales has been increasing somewhat faster than the growth in physical capacity; (2) that capitalization or plant expenditures have shown an increase somewhat greater than the increase of productive capacity; (3) that there has been a moderate increase in average plant cost in proportion to capacity; (4) that there has been a marked decrease in the proportion of common stock in the hands of the public, a tendency toward the concentration of control in the hands of a smaller proportion of the security-holders; (5) that there has been an increasing net return to the common stockholders in relation to the par value of the securities; and (6) that the index of market prices of the common stocks of eighteen reporting companies has advanced from 100 in 1920, to 355.5 in 1927.

⁂

On the Cost of Distribution of Electricity to Domestic Consumers.—Prepared by Morris Llewellyn Cooke, as an open letter to the Federal Trade Commission and the several state public service commissions. Copies may be had without charge, by addressing the author, at 1520 Locust Street, Philadelphia. The study is based upon an analysis of costs as reported by a number of companies to the public utility commissions of several states. It includes enough instances where reasonably accurate costs could be obtained to furnish fairly reliable results for general analysis of distribution costs. It points not only to the conclusion that domestic rates are generally excessive, and should be sharply reduced, to permit more extensive electrification of the homes, but it presents a method of approach by which the distribution costs may be separated from production and transmission, and properly provided for through the rate schedule. The concluding paragraph presents the results of the study from the author's standpoint:

> In recent years—as the public has come to know more about the low cost of generating electricity—one frequently hears the remark, "Oh, yes, we could afford to furnish the current for nothing. What costs is distributing it—getting it to the place where the customer wants to use it!" The studies herein outlined prove in a number of different ways that there is nothing to this statement. For a use of 360 KW. hours per year—a recent national average—the cost of DISTRIBUTION amounts to about 2 cents per KW. hour; for 500 KW. hours per year this falls to 1½ cents, and for 1,000 KW. hours annually the DISTRIBUTION item is about ¾ of a cent. We are confirmed in our belief that a *maximum five cent rate* for domestic electric service is generally applicable and in many situations such a rate includes too high a margin of profit.

⁂

An Introduction to the Study of Regulation of Public Utilities.—Prepared by Julia Margaret Hicks, and published by the Committee on Living Costs of the National League of Women Voters, Washington, D. C. This is an outline study of public utility regulation for the National League of Women Voters, which, at its national convention in 1928, voted to place public utility regulation on its study program for the succeeding year. It has been prepared to assist the units of the League in carrying out the program, and is a successful treatment of a complicated subject. It presents excellently the problems of regulation, policies and machinery adopted; difficulties that have been encountered; and outlines briefly the proposals that have been made to make regulation more effective as an instrument of public policy. It draws discriminatingly upon authorities, and presents the subject from an impartial standpoint. Its objective is to present the facts and conditions, and not to support any particular point of view or doctrine.

✣

Ethics of Public Utility Valuation.—This consists of three chapters: (1) The Judicial Theory of Valuation; (2) The Indianapolis Decision and Its Implications; (3) The Just Measure of Valuation. It was prepared by Dr. John A. Ryan, Professor of Moral Theology and Industrial Ethics at the Catholic University of America, and published by the National Popular Government League, Washington, D. C. It is a discussion of the basis of valuation for rate-making. It presents a brief historical account of how the idea of "fair value" was developed by the Supreme Court; makes a critical study of the reproduction cost theory; and, finally, supports prudent investment as the proper basis of rate-making. Most of the materials have been previously published by the author in other connections.

✣

High Power Propaganda.—By H. S. Raushenbush, secretary of the Committee on Coal and Giant Power, 70 Fifth Avenue, and published by the New Republic, Inc., 421 West 21st Street, New York City. A summary and analysis, from the public standpoint, of power company propaganda as revealed by the Federal Trade Commission. It contains an introduction under the title of "Dirtying the Waters," and develops the following chapter titles:

(1) "God's Fools"—A Story of the Free Press;
(2) "Making Sure of the Future: A Story of Private Initiative in Education";
(3) "Educating the General Public: A Story of Success."

It is an interestingly written account, within the compass of 89 pages, of the various indefensible activities involving the colleges, courses of instruction, preparation and censorship of text books, the public schools, civic organizations, and the press. It makes succinct summaries of scattered evidence. The ordinary reader will have available the facts which are hard for the companies to "laugh off." The report covers the evidence taken by the Federal Trade Commission during 1928, and does not include the hearings during recent months.

✣

Regulation of Electric Light and Power Utilities.—This pamphlet contains the principal papers presented at the last meeting of the American Economic Association on the fundamentals of electric service, regulation and rates. Copies can be had by addressing Prof. F. S. Deibler, secretary of the American Economic Association, Evanston, Ill., or the editor of this department, at 25 cents a copy, or 15 cents each in lots of 25 or more, postage prepaid.

The first paper was presented by Prof. C. O. Ruggles, of Harvard University, under the title "Regulation of Electric Light and Power Utilities." He gives a graphic description of the development of the power industry, and brings out particularly the technological improvements which have led to the present size and scope of the organization of the industry. He regards, generally, with approval the increasing size of the companies, and the establishment of the holding company systems. He brings out the fact, however, that the consolidations have produced abuses which have not been satisfactorily met from a public standpoint by the existing methods of regulation.

Professor Ruggles is concerned particularly with the twilight zone that has become established between state and federal jurisdiction. This zone has been greatly extended in recent years, partly by the increasing quantity of electricity which passes state borders, although this does not exceed 10 per cent of the aggregate production, but, principally, by the shift of control to the holding companies, which are largely interstate in their activities. Most of the state laws do not provide at all for holding company regulation, and the commissions are ill-equipped to cope with their jobs, even where the holding company complications do not appear. Under existing conditions, however, the state laws could hardly be modified so as to place the holding companies under effective regulation. As a constructive measure, Professor Ruggles suggests the establishment of interstate regulation, with territorial subdivisions to make the administration adaptable to the sectional conditions of the country. As a special matter, he would provide a flexible rate of return dependent upon the efficiency of management, so as to reward progressive operation and to penalize stagnant or inefficient control.

The second paper is by Prof. H. W. Peck, of Syracuse University, "An Inductive Study of Publicly Owned and Operated versus Privately Owned but Regulated Electric Utilities." The paper presents concretely a comparison between 35 New York companies and 33 Ontario municipalities supplied by the Ontario Hydroelectric system. The principal financial and operating data are stated for the two groups. The discussion centers especially on the average rates charged to the different classes of consumers, and the average cost of service. Professor Peck contrasts the New York and Ontario conditions, and leaves the impression that the differences are essentially due to the fact that in Ontario the organization is for the purpose of furnishing public service at cost, while in New York the companies are concerned with obtaining maximum profits. The average total receipts per kwh. for the New York companies are 2.26 cents, compared with 1.33 cents in Ontario. The average receipts for domestic lighting in New York are 5.64 cents per kwh., against 1.88 in Ontario; for power sales, 1.13 cents in New York, and 0.87 cent in Ontario; for municipal street lighting, 5.80 cents in New York, and 2.09 cents in Ontario. The total costs amount to 1.41 cents per kwh. in New York, and 1.21 cents in Ontario.

While no fixed conclusions can be formed as to these striking figures, Professor Peck's discussion is extremely suggestive. Although the differences in average costs between the two groups are not marked, the differences in rates offer a challenge.

The third paper was prepared by the editor of this department, and is a discussion of the two preceding papers. It emphasizes some of the constructive proposals made by Professor Ruggles, disagrees with him on the proposal of providing a variation in return dependent upon the efficiency of management, and presents the difficulties involved in such an arrangement.

The chief point brought out by the discussion is the failure of the present system of regulation to furnish an adequate yardstick for rate-making.

NEWS NOTES

The O'Fallon Case Decided.—On May 20 the Supreme Court of the United States handed down its decision in the St. Louis and O'Fallon case. Contrary to the rather common expectation, the court met the issue of valuation as to whether the general standards laid down in other utility cases must be followed, or whether the methods adopted by the Interstate Commerce Commission were justified to meet the particular conditions of the railroads. The court divided 5 to 3 against the commission. It held that, under the 1920 Transportation Act, the commission was required affirmatively to follow the law of the land, and thus to give weight to reproduction cost. The court has left open the question whether Congress could establish a basis of valuation particularly designed to meet the economic characteristics of the railway industry, along the lines considered by the commission. The decision and its broader implications are discussed in more detail in a separate article in this issue by the editor of the department.

O. C. Merrill Leaves the Federal Power Commission.—On June 7 O. C. Merrill announced his resignation as executive secretary of the Federal Power Commission, to become effective July first. He will become head of the American section of the World Power Conference. This organization is devoted to the discussion of power problems and their relation to international affairs. The first conference took place in 1924, and was permanently organized in 1926. There are sections in 46 countries. The activities are correlated through an International Executive Council, composed of one member from each participating country. The central office is located in London.

This shift of Mr. Merrill from the Federal Power Commission to the American section of the World Power Conference will arouse the attention of public-minded people who have been following Mr. Merrill's excellent work. Whether to congratulate him, or to express condolence in behalf of the public cause, depends on what is involved underneath the change.

MUNICIPAL ACTIVITIES ABROAD

EDITED BY W. E. MOSHER

Director, School of Citizenship and Public Affairs, Syracuse University

Selection of Aldermen.—Herbert Morrison, the leader of the London County Council Labor Party, contributes an article to the *Local Government News* which deals with the methods used and the policies adopted by the Labor Party in London County for the selection of aldermen. At the outset he calls attention to the customary considerations that govern political parties in choosing candidates for this position. Reward for faithful party service, consolation for failure of election to some other office, influential connections and the like, are among the determining factors.

The local Labor Party, it is asserted, has adopted entirely different standards by laying stress primarily upon merit and special qualifications. If it is desirable to have someone who understands public trading or public industrial enterprise, someone who understands finance or law, housing or town planning, or has a first-hand knowledge of Parliament or a membership in it, those candidates are chosen which meet one or the other of these requirements.

The writer summarizes the established practice of the Labor Party in the following sentences:

> We have been determined that we will not degrade the aldermanic institution into a sort of second edition of the House of Lords to which people are elected merely as a matter of honor and personal appreciation. We are pleased to know that the line we have taken although it has had its critics, as it is bound to do, has on the whole met with the overwhelming approval of the Labor Party in London.—*Local Government News*, May, 1929.

◆

Status of Governmental Officials.—A. P. Johnson, the president of the National Association of Local Government Officers, reviews the change and the causes of the change that has taken place in the past seventy-five years in the standing of the permanent local government officials in the community which they serve. In his opinion there are few professions which have made a similar advance in this period in the social esteem which the officers enjoy. It is asserted that this change is due to several more or less obvious causes, the first of which is the extension of the range and scope of local government that has so greatly increased the responsibilities of those in charge of public affairs. Efficient service and straightforward dealing have brought their due reward. Competent officials enjoy a large measure of approval and even of affection for their diligence and loyalty to high standards. The public has come to recognize that the continuity and improvement of administrative policy are due to the permanent officials who carry on in spite of the changes in the personnel of the council.

A further factor is the maintenance of standards by the associations of those engaged in special branches of the local government service, resulting in a marked improvement in the quality of the officials who are recruited into the service. —*Municipal Journal and Public Works Engineer*, May 17, 1929.

◆

Advantages of Joint Contracts for Public Utilities.—A movement is under way among a number of towns and small cities in the neighborhood of Charleroi in Belgium to organize an association for the purpose of setting up joint rather than individual contracts with the company supplying gas, along the lines of what has already been accomplished for electricity. It is maintained that if these cities are represented and negotiations are carried on by such an association it will be possible to bring about conditions much more favorable to the consumers of gas than could happen if the cities close contracts with the supplying and distributing agency one by one.

Such an arrangement has already been made in the neighborhood of Brussels as well as in various parts of France. The purpose of it is to bring about a community of interest between all of the consumers of a given region and the producers of the public utility. It makes possible a sharing of control on the part of all interested parties, and has proved to be very advantageous to the association representing the Brussels area. The method of determining the price is to establish a modal price which is in effect for a single year when the company supplying the utility opens its books so that it may be possible to determine the amount of capital invested and the benefits derived during the period. The contracts prescribe that a fund shall be set aside for amortization purposes and a further sum for meeting interest charges. The surplus is divided between the producers and the communes. According to the Belgian law the latter are permitted to make use of this surplus directly for the advantage of the consumers.—*Le Mouvement Communal*, April 30, 1929.

⁂

Public versus Private Production of Electricity.—A more or less continuous conflict is being waged in Germany as in other countries concerning the relative efficiency, the rates and profitableness of public and private electrical enterprises. One of the most common points of attack on the part of those favorable to private management has to do with taxes. It is contended that if the municipal works carried the same tax burden as the private works it would be impossible for the former to operate successfully. Numerous statistical comparisons have been prepared in Germany to prove one or the other point of view. A worthwhile contribution to the controversy has just been made by Dr. Bremen, a member of the magistry in Potsdam. He emphasizes certain fundamental principles which are to be taken into account in connection with any comparison of cost and earning power of private and public works.

Among other things he points out in a recent article that the efficiency of the undertaking may be determined only through a careful investigation of the balances and the profit-and-loss accounts, urging that a mere comparison of rates is far from conclusive. He demands further that in all comparisons the location and size of plants, the number of consumers and the extent of the regions supplied must be given weight. In the opinion of the writer this limits the comparison to companies which are supplying about the same territory, which have similar conditions of production and distribution, and are equipped with generating plants fairly equidistant from the points of distribution.

With these conditions in mind, two enterprises, the one public and the other private, supplying the city of Berlin, were carefully investigated. The following data will give some idea as to the relative size and value of the works in question. The public enterprise produced 912,000,000 kilowatt hours of used electricity, and the private one 68,000,000 kilowatt hours. The public company had properties with a book value of 348,880,000 reichsmark, while the private one had a capital of 42,528,000 reichsmark. If one takes into account the totals for 1927 under the captions of taxes, interest, profits and amortization, 13 per cent of the invested capital is chargeable to gross earnings in the case of the public company and 20 per cent in the case of the private.

The above results would seem to indicate that the private enterprise was much more successful from the point of view of profit than the public, but these figures must be considered in the light of the rate policy of the two concerns. This is determined by dividing the total number of kilowatt hours produced by one concern and used by its customers and the total income. Here the advantages are on the side of the public enterprise, for its average price per kilowatt hour was 12.6 pfennig, while the average for the private enterprise was 16. If the former had charged for electricity at the latter average figure its earnings in terms of percentage would have been just about equal to those of the private concern.

A further comparison is made between the areas served by the two companies. This goes to show that the public enterprise is operating under less favorable conditions than the private, because with the latter there is a population density four to five times greater than with the former. The total amount of electricity delivered to every one thousand inhabitants is greater in the case of the public, however, than in the case of the private undertaker (238,087 kilowatt hours as against 190,439 kilowatt hours). That is, the lesser density of population and the higher average of consumption on the part of every 1,000 inhabitants indicates that the public organization aims to supply consumers who live in the outlying and less densely populated districts of the city. This inevitably involves a higher cost of distribution and a greater loss of energy in the course of distribution. Such a policy is warranted in the name of public service.

The writer properly concludes that a valid comparison of public and private enterprise calls for something much more than a consideration of the amount of taxes paid by one or the other and the average rates. It is necessary first of all to determine whether the conditions of production and of distribution are at least approximately comparable.—*Zeitschrift für Kommunalwirtschaft*, May 25, 1929.

◆

Public Baths.—In a review of the history and utility of public baths, an English authority points out the marked changes that have taken place in the development of municipal bathing establishments since 1846. The most striking feature is the dual use of buildings for bathing and other public purposes. The latter include meetings, concerts and theatrical performances. This duality of purpose has affected the character and construction of buildings. For instance, collapsible dressing boxes have been designed which fold back flat against the wall when the halls are not used for swimming.

The latest improvement in the administration of the baths has to do with the filtration and purification of the water and the various methods of heating it. Most baths provide for a continuous method of filtration and purification so that the water remains clear and sparkling and the heating is quite uniform. Methods have been devised which make it possible for the water to be changed only once in six months, and in certain cases even only once a year.

Not alone is water provided for swimming but also for spray and so-called "slipper" baths. Facilities for Russian, Turkish and sun baths are frequently met in up-to-date structures.

Figures are given showing the number of persons who paid for admission at a low rate in the bathing establishments of four principal cities. In the years 1927–28 Glasgow had 3,318,000 paid admissions; Liverpool had 2,337,000 in addition to 464,000 children who were admitted free; Birmingham 1,728,000, and Manchester 1,724,000. Emphasis is laid upon the importance of carrying on propaganda in order to stimulate people to use the baths more generally and more freely.—*Municipal Journal and Public Works Engineer*, May 10, 1929.

◆

Mutual Insurance.—The Mutual Society of Public Administration in Belgium is engaged in providing the communes with the means of mutual insurance against fire and accidents and for the provision of pensions. The first branch was established some ten years ago. According to the annual report, 1928 proved to be a very successful year. The total premiums amounted to more than three million francs, and the total reserve attained a figure of five million francs. It is anticipated that with the increase of the reserve it will be possible in the near future to reduce the cost of insurance in a material way.

In his annual review the president of the association points out the advantages of such mutual organizations among a number of communes whether located in one or more provinces. He calls attention to the success of similar organizations as, for example, associations for credit purposes, for the provision of homes at popular prices, for the distribution of water and electricity as well as other undertakings of a similar character.—*Le Mouvement Communal*, April 30, 1929.

GOVERNMENTAL RESEARCH ASSOCIATION NOTES

EDITED BY RUSSELL FORBES

Secretary

Recent Reports of Research Agencies.—The following reports have been received at the central library of the Association since May 1, 1929:

Detroit Bureau of Governmental Research:
The Condemnation Procedure of Twenty-Three Cities.
Erie County Taxpayers' Association:
Public Water Supply in Erie, Pa.
Bureau of Budget and Efficiency, Los Angeles:
Proposed Budget for the Fiscal Year Beginning July 1, 1929, Ending June 30, 1930.
Schenectady Bureau of Municipal Research:
A Long-Term Financial and Improvement Program for the City of Schenectady, N. Y.
Westchester County Research Bureau:
Governmental Organization of Westchester County, N. Y.

◆

Committee on Financial Statistics of Cities and States.—The Governmental Research Association has recreated its committee on financial statistics of cities and states under the chairmanship of Russell Ramsey. The objectives of the committee are as follows:

1. To determine what are the uses of financial statistics and the limitations to their use.
2. To determine what statistics should regularly be prepared.
3. To determine what change is desirable in the preparation of statistics now regularly prepared.

The committee for the current year has the following personnel:

Russell Ramsey, Taxpayers' Research League of Delaware, *chairman.*
C. W. Atkins, St. Louis Bureau of Municipal Research.
W. P. Capes, New York State Conference of Mayors and Other City Officials.
Charles R. Dalton, Rochester Bureau of Municipal Research.
Howard G. Fishack, Fall River Taxpayers' Association.
James M. Leonard, Detroit Bureau of Governmental Research.
Robert J. Patterson, Philadelphia Bureau of Municipal Research.
Harold A. Stone, California Taxpayers' Association.
Herbert Wilson, Institute for Government Research.
T. David Zukerman, Political Research Bureau of New York.

◆

Taxpayers' Research League of Delaware.—Governor Harry Flood Byrd of Virginia was the principal speaker at the annual dinner and meeting of the League on June 4, his subject being "The Progress of a State." The other speakers were Governor C. Douglass Buck of Delaware, R. Fulton Cutting, chairman of the National Institute of Public Administration, and Russell Ramsey, director of the League. Edward W. Cooch, president of the League, presided during the business session, and Josiah Marvel acted as toastmaster for the remainder of the program. The dinner was attended by 200 persons, including many of the most prominent citizens of the state, together with several state officials and a number of members of the legislature.

The board of trustees elected at the annual meeting comprises: J. Hall Anderson, Dover; Frank C. Bancroft, Wyoming; H. Fletcher Brown, Wilmington; Edward W. Cooch, Cooch's Bridge; Louis A. Drexler, Bethany Beach; Mrs. Clarence Fraim, Wilmington; H. T. Graham, Wilmington; Hervey P. Hall, Smyrna; Walter W. Hynson, Smyrna; Henry R. Isaacs, Wilmington; J. Warren Marshall, Yorklyn; Josiah Marvel, Greenville; John M. Mendinhall, New Castle; Henry Ridgely, Dover; J. Edgar Rhoads, Wilmington; William V. Sipple, Milford; David Snellenburg, Wilmington; H. C. Stout, Wilmington; Mrs. A. D. Warner, Wilmington; Charles Warner, Wilmington; J. P. Wright, Newark.

The League is preparing to coöperate with Governor Buck and the other fiscal officials of the state by installing and maintaining an extra-legal accounting system supplementary to the regular accounting system of the state, as a demonstration of the practical value of improved accounting methods. Also in coöperation with the governor, the League is planning to set up a budget-administration bureau in the governor's office on an experimental basis.

The League is also planning studies of tax revision and administrative reorganization in preparation for the next session of the legislature.

*

Des Moines Bureau of Municipal Research.—Jointly with the county board of supervisors, the Bureau probably will set up a test case to determine whether or not the county attorney is entitled to collect attorney fees from the county for certain types of liquor nuisance injunction cases.

The Bureau has revealed that past and present county attorneys in this county have collected, since 1923, $67,000 in commissions on fines and attorneys' fees in excess of their regular salary. Of this amount, $50,000 was paid by the county and the balance by the defendants. A question has arisen relative to the legality of paying $25 attorney fees in certain kinds of liquor nuisance injunction cases when the costs are not paid by defendant, which the board of supervisors and the Bureau will test in court.

An investigation is also being made relative to furnishing provisions for families in quarantine.

In the last several months the Bureau has made publicity reports on the following subjects: Tangible savings resulting from the county supervisors' retrenchment program; comparison of local assessment methods with up-to-date practices in other cities; fees and perquisites of county attorneys, 1923–1929; comparison of city, school and county operating expenses and payrolls, 1924–1928; vacation and time-off records and policies, in the city government, with suggestions regarding same.

*

Good Government League of Fort Worth.—The Good Government League of Fort Worth, which has been recently organized, is essentially a revival of the old Charter Change Commission of 1924, which sponsored the present council-manager charter. The purpose of the organization is similar to that of the Detroit Citizens' League—that is, to stimulate intelligent public interest and participation in municipal affairs. It is in harmony with the present council which has been recently reëlected without opposition for two years.

The immediate program of the League is the formulation of a bond budget for the city. Because of the very rapid growth of the city and its immense area of 59 square miles, the problem of keeping public improvements up to date is very difficult. The bonded debt is already high and a number of projects are needing large expenditures. Among those being considered are street improvements (including railroad grade separations), airport improvements, new city hall, fire department buildings, a school building program, municipal auditorium, new library building, new hospital building, and park improvements.

A committee of the League with representatives from the school, park, recreation, and library boards, is now working on the problem of financing these needs over a term of years, together with such other projects as will be required during the life of the program.

*

Civic Affairs Department, Indianapolis Chamber of Commerce.—The department has obtained the coöperation of all municipal departments in the preliminary steps of mapping out a ten-year program of capital improvements for Indianapolis. The preliminary report now in preparation will show the borrowing power of each unit of government; the amounts of maturing bonds in each of the next ten years; and other information tending to show the amount each unit may safely expend on for new improvements during each of the ten years. The report also will list every item of improvement recommended by officials or citizens as needed during the next ten years. Officials of each unit of government agreed tentatively to meet after this information is available to consider jointly mapping out the ten-year program.

The department is beginning its annual scrutiny of the budgets of all local units of government for the ensuing year, and it has recently submitted to the board of public safety a compilation of the sick-pay and vacation rules of fire and police departments in approximately thirty largest cities, with a view to aiding the Indianapolis board in revising its rules.

National Institute of Public Administration.—Bruce Smith has been appointed director of the survey of the Chicago police department which is to be carried out at the request of Commissioner William F. Russell under the auspices of the Citizens' Police Committee. The committee is made up of representatives of the University of Chicago, Northwestern University, the Institute of Criminal Law and Criminology, and the Chicago Crime Commission. Dean John H. Wigmore is chairman of the committee and Professor Leonard D. White is vice-chairman. The survey is already under way. L. S. Timmerman is a member of the survey staff.

Mr. Smith's report on *Uniform Crime Reporting* was presented at the annual meeting of the International Association of Chiefs of Police at Atlanta on June 3–6. The report was unanimously and enthusiastically adopted.

Leonard V. Harrison of the Bureau of Social Hygiene, formerly a member of the New York Bureau staff, has been appointed to make certain research studies for President Hoover's commission on law observance and enforcement.

*

Toledo Commission of Publicity and Efficiency.—The articles published by the commission during the last month have been "May—Health Month," a résumé of the educational campaign in the city during the month of May, summaries of the report of the examiner of the state bureau of supervision and inspection of public offices for 1927, and an article on the personnel, equipment and salaries paid in smoke inspection work in fourteen selected cities in the country. The Commission has edited and is now publishing the 1928 annual health report.

NOTES AND EVENTS

EDITED BY H. W. DODDS

Cork's First Election under the Manager Plan.—John J. Horgan, who described Cork's new plan of government in the Review for May, sends us the following information regarding the first municipal election held under the new scheme.

The election was held March 20 with 68 candidates in the field and with political affiliations as follows:

Labour Party	21
Fianna Fail	9
Cumann Na Gaedeal	11
Business	10
Independents	17

The twenty-one successful candidates were distributed as follows:

Labour Party	2
Fianna Fail	3
Cumann Na Gaedeal	3
Business	6
Independents	7

The number who actually voted was 13,975, of an eligible list of 27,238. Though little more than 50 per cent of those eligible to vote exercised the franchise, it should be borne in mind that in Irish local government elections only 30 per cent of the electors usually exercise their right.

The first meeting was held on March 27, 1929, when a committee was set up to consider procedure under the new act. The most important change recommended, and approved, was the holding of all committee meetings in private, and the subsequent publishing of committee reports at council meetings. Another change approved of was the absence of the council's official from meetings, the manager being held directly responsible for all departments.

The plans of the council include the immediate construction of a city hall, the building of a considerable number of working class dwellings and the establishment of a superannuation scheme for employees. It is expected that the rating system will also be revised and brought up to date.

◆

Two City-Manager Charter Elections in San Mateo County (California): Contrasting Methods of Procedure.—Two city-manager charter elections held recently by cities of San Mateo County, adjoining San Francisco, have met with opposite results. On January 8, 1929, Burlingame rejected a city-manager charter, drafted by a board of freeholders, by a vote of 279 for to 801 against. On April 9, Redwood City, the county seat, adopted a city-manager charter, also prepared by freeholders, by a vote of 1,402 for to 160 against. The conflicting action of the two nearby cities of nearly equal size (10,000 to 15,000 population) may be cited as an illuminating example of opposite methods of procedure, rather than opposite opinions as to the city-manager plan.

The Burlingame freeholders met behind closed doors, consulting only with themselves, and prepared a charter with city-manager provisions devised by themselves. No charter authority of any type was consulted and no publicity was given to the freeholders' deliberations. When the finished draft was presented to the city council, which by law fixed the date of elections, the freeholders apparently washed their hands of their task, and the council, likewise, took little interest in it. Without a strong group supporting the proposed charter and with very little publicity, the charter attracted little public support and much active opposition. As a city-manager form of charter, it was apparently a compromise between accepted city-manager charters and the general-law type of mayor-council government, which left little to commend.

On the other hand, the Redwood City freeholders held open deliberations with the press and the public invited. Outside charter authorities were consulted, including Professor E. A. Cottrell of Stanford University, Professor Samuel C. May of the University of California, John Edy, city manager of Berkeley, and William H. Nanry of the San Francisco Bureau of Governmental Research. On the recommendations of their advisers, the freeholders prepared an effective type of city-manager charter.

Concessions to local opinion were made to provide for the auditor and the treasurer to be appointed by the council, while the tax collector is to be appointed by the city manager. The charter also has the proviso that the city manager appointed by the council must have had at least one year's experience as a city manager, assistant or deputy. A strong citizens' committee representing nearly every civic organization and group in the city was organized to support the charter. Professor Cottrell spoke several times during the campaign. With united public support, the charter carried by an overwhelming vote. The state legislature has approved the charter and an election has been called for June 4 to elect two additional councilmen (seven, instead of five members as at present, are to constitute the new council). The effective date of the charter is from and after the seating of the council of seven.

✣

New York's Elevated Express Highway.—The elevated express highway along the Hudson River in New York City, for which Borough President Miller has fought for several years, is to become a reality at last. On May 24 the first shovel of earth was turned in the presence of 5,000 spectators. This marked the actual beginning of the first section of the new highway which eventually will run from Canal Street to Seventy-second Street, where it will meet Riverside Drive. Together these two drives will provide a continuous shore drive of about eleven miles, with a view of the panorama of the Hudson River all the way.

The section now under construction begins at Canal Street and goes to Twenty-second Street. The contract price is about $4,500,000, and its completion is looked for in about ten months. Other sections will be under way before this one is completed, and the whole project should be in use in two and a half years.

The new roadway will be sixty feet wide, providing room for six lanes of travel. It will be far enough from existing buildings not to deprive them of light or air. Its architectural design was carefully worked out and met the approval of the municipal art commission, to whom it was formally submitted.

Access, in both directions, will be by a series of ramps running parallel to the structure and reaching the new roadway at its center. As the structure is intended for general traffic, this is an important feature. The slow-moving part of the traffic will remain in the center of the roadway, while those that desire to move rapidly will use the double lanes on either side. This method will be a definite benefit to the safety of the drive because the movement of the vehicles on the ramps, both coming and going, must be slow, and more speed can only be attained as the vehicles in the center lanes turn from the slowly to the more rapidly moving ones on the sides. This arrangement will permit a speed of from thirty to thirty-five miles in the outer lanes, and, with no interfering cross traffic, will give the elevated express highway a capacity of five thousand cars per hour, about twice that of Fifth Avenue.

✣

Philadelphia Reports Progress in City Planning and Zoning.—The Pennsylvania legislature, which has just closed its session, worked both for and against housing betterment.

Its contribution to housing progress is the Woodward zoning bill, which was introduced by Senator George S. Woodward, and, after a rather disheartening experience, passed the house and was signed by Governor John S. Fisher.

Troublesome legislation in the form of four undesirable bills was fortunately checked by action of the governor, who vetoed them and condemned the proposed interference with the freedom of action of the department of health in the abatement of bad housing conditions.

Two of these were amendments to the housing code: one to permit the erection of tenements without sewer connection, and the other to change the definition of a rooming house. The latter would have taken about one-half of the rooming houses of the city from the jurisdiction of the department of health, and thus would have caused a breakdown in the present standard of sanitary occupancy.

The two other vetoes were equally noteworthy. One repudiated the Daix garage bill which, if signed, would have forbidden injunction proceeding against commercial garages until after they had been operated and were proven a nuisance. The other was the Royle zoning bill, an emasculated duplicate of the Woodward zoning bill. The Royle bill would have restricted the scope of zoning and thrown numerous cases into court because of the inadequate definition of the areas which council might zone.

The Woodward bill, which gives Philadelphia permission to adopt a zoning ordinance, will stand comparison with the zoning enabling acts on the statute books of over thirty states. It is modeled after and is practically a duplicate of the Standard State Zoning Enabling Act of the department of commerce. In addition, it authorizes a bureau of zoning, establishes penalties, and contains a validity section to care for adverse court decisions, if such should be rendered against any of its provisions. In signing this bill Governor Fisher has given Philadelphia the most far-reaching legislation of beneficial character which has passed the general assembly in many years.

Prior to this action of the governor, the city council of Philadelphia, at the request of the mayor, passed a resolution endorsing the Woodward bill, and three councilmen appeared at the hearing in Harrisburg and requested the enactment of the bill into law. Moreover, while this authority was being granted by the state legislature, the councilmanic body enacted a companion piece of legislation creating a city planning commission. The agitation for this commission was begun some months ago by local organizations, who persuaded the mayor to call together three hundred citizens to advise on the plans and scope of a planning commission. Following the enthusiastic reception of the proposal, Mayor Mackey prepared and sent to city council an ordinance creating a committee of fifteen members, which the council passed in record time.

The outlook for the passage of a zoning ordinance and the appointment of a city planning commission for Philadelphia is most gratifying today.

Bernard J. Newman.

Philadelphia Housing Association.

◆

Minneapolis Scraps Ward Street Maintenance System.—On May 13 the voters of Minneapolis amended the city charter to abolish the old ward system of street maintenance and to consolidate such work in a general street commissioner for the entire city. For many years Minneapolis levied separate funds for each ward to take care of streets and sidewalks. Each ward had its own street commissioner who supervised the spending of the funds in his district. The amendment substitutes city-wide financing and management for the piecemeal methods formerly in vogue. It is contended that the amendment will save the city $32,000 a year in salaries and $90,000 annually by the elimination of duplication in ward equipment. Further economies through greater efficiency and proper planning are to be expected.

One street maintenance department instead of thirteen would seem a reform to which no one would object. However, it encountered opposition from two sources. Those who had a personal interest in the old system claimed that centralization would introduce log rolling in apportionment of funds and that the ward with the strongest pull would obtain most of the appropriations. Another group, hoping for a clean-cut manager charter in the near future, felt that the best way to progress was to wait until the full jump could be taken at one time.

Minneapolis has always had trouble with her ward system of street administration, and it is a marvel that she has endured the old system so long. In general the "labor" aldermen were against the amendment.

◆

Five Years of Taxation in Indiana.—The Indiana Taxpayers' Association has published a study on taxation, state and local, for the past five years. Increases during this period show a wide range in rate. Those counties in which the taxpayers exercised the supervision to which they are entitled under the unique laws of the state have kept the tax situation within bounds. In other counties the record has not been so satisfactory.

The state-wide composite rate has jumped from $2.43 in 1923 to $2.81 in 1928, the latter rate applying on taxes collectible this year. The 38-cent increase in the composite state-wide rate is not completely indicative, however, of the actual increase in the local units of Indiana, because the state-purpose rate has declined from 30 cents on each $100 in 1923 to 23 cents in 1928. Excluding the state rate, which applies uniformly in every local taxing unit in Indiana, the composite local rate for the state at large has jumped from $2.13 in 1923 to $2.58 in 1928.

Evidence of the fact that high taxes are almost a local problem, and must be controlled by the taxpayers in their own communities, is found in the wide spread of valuations, budgets and levies in various parts of the state.

Two reasons for this local increase are disclosed by the state association's analysis. In many local units the sum of all budgets is materially more than five years ago, and at the same time the valuation on which taxes are collectible has declined.

Only six counties out of ninety-two in Indiana have a lower composite rate than five years ago. Thirty-three counties show a lower budget for all local purposes, including cities, towns, townships and the county itself, than in 1923, while fifty-nine counties show higher budgets. In nineteen of the latter the annual advance in the five-year term was less than 1 per cent.

One of the most significant aspects of the present tax problem in Indiana is the operation of the laws of 1925 and 1927 authorizing a reduction in the appraisement of real estate. Only thirteen counties out of the ninety-two show a higher total valuation than in 1923, and these are for the most part the more densely populated areas with large industrial centers. The increased valuation in these thirteen counties was $319,929.051, while in the five-year period there was a state-wide net shrinkage in valuation of $164,037,963, so that the actual scaling down of valuations in the five years amounted to $483,967,014.

Most of these counties show a percentage of increase in rate exceeding the percentage of cut in valuation, and on the face of these figures the conclusion is warranted that in most instances taxpayers did not profit by the cut, but are paying more tax on the reduced valuation than they paid five years ago on a higher appraisement level, the local units having found it impossible to depress expenditures by the same margin as they depressed the valuation.

While state-purpose taxes have been going down, local taxes have been going up. If the state rate had increased in the same proportion as the local rates, the state government would be collecting taxes on a 36-cent levy this year, while if local taxes had declined by the same ratio as the state-purpose rate, the local units in the aggregate would be collecting $28,973,000 less than their current year's total, and the statewide composite rate for all local units would be $1.635 instead of $2.58.

In most counties and local units where taxpayers have availed themselves of the state law, and assisted local officials in preparing budgets, or appealed to the state tax commissioners when unnecessary expenditures were proposed, the rates have been kept under control. The counties and local units where least vigilance was exercised are the ones showing the largest increases.

HARRY MIESSE, *Secretary.*

Indiana Taxpayers' Association.

✤

L. I. D. Conference on Municipal Government.—A Program for Municipal Government was the subject of a conference held at Forest Park, Pennsylvania, from June 27 to 30 by the League for Industrial Democracy. Some of the topics were: Trends in Regard to the City-Manager Form; What Have Progressives and Socialists Accomplished When in Power?; Is the City Government in League with Criminals?; How Can Progressives Take Power?; and The City of the Future. Speakers included James H. Maurer, Dr. William H. Allen, Louis H. Pink, Joseph McGoldrick, Stuart Chase, and Harry W. Laidler. Norman Thomas was chairman of the sessions.

✤

Minnesota Municipal Conventions.—The newly formed Minnesota Municipal Public Utility Conference held its first annual meeting together with the League of Minnesota Municipalities at Austin, June 12, 13, and 14. The conference met jointly with the Minnesota Section of the American Water Works Association for round table discussions on the first and third days, and with the League group on the second day of the convention.

One of the projects discussed at the convention was the founding of a police school for the Northwest for the better training of peace officers.

✤

Taxicab Control in Milwaukee.—Apropos of the announcement in the May REVIEW that Cincinnati had adopted an ordinance placing taxicabs on a public utility basis, word comes from Milwaukee that such an ordinance was adopted for that city last September, several months before the Cincinnati ordinance was passed. The Milwaukee ordinance requires that every owner desiring to operate a taxicab must first receive a permit from the common council. No vehicle can receive a permit until it has been inspected and found to be in a safe condition. Applicants must satisfy the council as to the public convenience and necessity of their taxicabs, and owners may be required to file annual reports, schedules, and other data regarding the operation of their vehicles.

✤

New School for Public Service.—The newly established School of Citizenship and Public Administration at the University of Southern California has announced three formal curricula for the training of public servants. In addition to the full-time course leading to bachelor's or master's degrees in public administration, late afternoon and evening classes will be held at the Civic Center of Los Angeles and will be open to city employees. The annual short course, begun last year, will be continued.

Legislative Reapportionment in Ohio.—Debate over the enactment of a bill to increase the gasoline tax from three cents to four cents led to an open breach between rural and urban factions in the closing hours of the Ohio general assembly. The additional cent of tax, which was to go largely for the improvement of secondary roads in the rural districts, was attacked by the city members under the leadership of George H. Bender of Cleveland. The governor had sponsored the measure and the administration succeeded in securing its enactment in spite of the city opposition, which was not unanimous. Senator Bender announced a few days after the close of the session that he would conduct a campaign to secure the necessary signatures to place a proposal on the ballot at the November election for the amendment of the state constitution to permit reapportionment on a population basis in both houses of the assembly. The constitution now contains a provision that each county shall be entitled to at least one representative in the lower house. On account of this provision, Cuyahoga County has one representative for each 50,000 voters, while some of the more sparsely populated districts have one for every 12,000 to 15,000 voters. If representation were placed strictly on a population basis in both houses, the urban districts would be in control.

Senator Bender claims to have made 200 speeches during April and May in various parts of the state in favor of his proposal. Petitions are now being circulated with a copy of the proposed constitutional amendment. The amendment would establish a house of 120 members and a senate of 30 members, the quota for representation being in both cases the total population of the state divided by the number of seats to be filled.

Representative Dallas A. Sullivan, author of the gasoline tax increase, has appeared in debate against Senator Bender on several occasions. He is probably as near to a leader as the rural group possesses, at least for active campaign purposes. The Ohio Chamber of Commerce has decided not to support reapportionment, preferring to concentrate its efforts on the constitutional amendment to establish classification for taxation.

Harvey Walker.

The Legislative Program of the Ohio Joint Committee on Economy.—The April number of the National Municipal Review carried an account of the activities of the Joint Legislative Committee on Economy in the Public Service. Reference was made there to a number of legislative proposals which have been drafted and introduced to carry out the recommendations of the committee, and which were at that time pending before the general assembly. It is the purpose of this note to record the fate of these proposals.

Forty bills were drafted and introduced to carry out the recommendations of the report. Of these, two were identical, leaving thirty-eight. Thirty were introduced in the senate and two in the house. Of the senate bills, twenty-two were lost in senate committees, four in house committees, two on the house calendar, and one on the senate calendar. These included the driver's license, the state department of public safety, restoration of July 1 as the beginning of the fiscal year, creation of a state board of investment, revision of the administrative code, increase in support charges for inmates of state institutions, and several amendments to the general laws, to clarify them and to simplify their administration. Only one of these senate bills was passed by both houses—a bill to make the state code of weights and measures more stringent. It was subsequently vetoed by the governor.

Of the eight house bills, five were lost in house committees, one was indefinitely postponed by the senate, and two were passed by both houses. One of these attempted to establish a court appeal from a disagreement in the state civil service commission, and was vetoed by the governor. The other abolished state aid to county normal schools. This became law. Ten other bills, drafted and introduced by persons not members of the joint committee, tended to carry out portions of the committee's recommendations. Six of these became law.

Few of the measures which failed of passage were vital to the program of the committee, as most of its recommendations can be carried out under the existing provisions of the administrative code, through executive orders.

Harvey Walker.

WORTH-WHILE BOOKS
ON
GOVERNMENT

Practice of Municipal Administration

By L. D. UPSON **Price $4.00**

This book shows how municipal activities can be conducted on a high plane at a cost that taxpayers will tolerate. "To the student of the processes of municipal government and the professional municipal administrator, the book is a necessity." Some chapter headings are: Administration, Administrative Organization, Election, Safety, Education, Police, Courts, Engineering, Wastes, Control of Utilities.

Municipal Finance

By A. E. BUCK **Price $4.00**

"This is the most comprehensive study of municipal finance yet published." . . . It is a study of best current practice based on surveys and first-hand investigations. Some chapter headings are: The Budget and Budget Making, Cost Accounting, Graphic Statistics in Municipal Finance, Purchasing, Assessment of Property for Taxation, Special Assessments, Debt Administration, Financing Municipally Owned Utilities.

The City Manager

By LEONARD D. WHITE **Price $3.00**

A book for city managers, city councilmen, city department heads, men studying to be city managers, reference reading in university classes, and committees and clubs studying the merits of the city manager plan. Through an intensive study of the personality and method of the city managers of Cleveland, Cincinnati, Pasadena, Dayton, and Berkeley, and through his broad knowledge of the general subject of public administration, Mr. White is able to come to some conclusion about the type of administrative official necessary to the successful maintenance of this sort of government.

Proportional Representation

By C. G. HOAG and G. H. HALLETT **Price $5.00**

This book shows proportional representation as a practical instrument of democracy while it also carefully evaluates other methods of voting in relation to the purposes in view. Some chapter headings are: Voting and Its Objects, Minority and Proportional Systems, Objections to Proportional Representation, P. R. with Single Transferable Vote at Work, Election Provisions for P. R., Constitutionality of P. R., Majority Preferential Voting.

Elements of Political Science Research

By AUSTIN F. MACDONALD **Price $ .90**

This new practical handbook describes the chief sources of material in the field of political science. It explains the methods essential for conducting creative work. The author is Assistant Professor of Political Science, University of Pennsylvania, and this concise working manual is based upon the methods used by the students at that Institution for a number of years.

The Invisible Government

By WILLIAM BENNETT MUNRO **Price $1.75**

Professor Munro points out that all governments, wheresoever they operate, are largely controlled by forces which operate beneath the surface, unseen by the eyes of men, and he gives a keen analysis of some of these invisible influences. He writes of — I. Fundamentalism in Politics, II. The Myth of Popular Sovereignty, III. The Law of the Pendulum, IV. Government by Propaganda, V. The Money Power, and VI. Our Strengthening Sectionalism.

These books may be obtained by mailing cash with order to:

NATIONAL MUNICIPAL LEAGUE
261 BROADWAY, NEW YORK

NATIONAL MUNICIPAL REVIEW

PUBLISHED MONTHLY BY THE

National Municipal League

VOL. XVIII, No. 8 AUGUST, 1929 TOTAL No. 158

CONTENTS

EDITORIAL COMMENT .... *H. W. Dodds* 493
ST. PAUL CLEANS UP ITS WELFARE ADMINISTRATION .... *Herbert Lefkovitz* 497
WHERE CITY PLANNING AND HOUSING MEET ...... *Harold S. Buttenheim* 500
THE ENGLISH GENERAL ELECTION OF 1929 .... *James K. Pollock, Jr.* 505
SPECIAL POLICE PATROL IN PORTLAND, OREGON ... *Charles McKinley* ... 509
A NEW REMEDY FOR CIVITOSIS .... *Graham Aldis* 513
THE GROWING TRANSPORT PROBLEM OF THE MASSES .... *J. Rowland Bibbins* .. 517
SCHENECTADY'S LONG-TERM FINANCIAL PROGRAM .. *Harold I. Baumes* 522
CINCINNATI'S CITY WORKHOUSE .... *C. O. Sherrill* 525
VOTERS TURN THUMBS DOWN ON PITTSBURGH'S METROPOLITAN CHARTER .... *Martin L. Faust* 529

DEPARTMENTS

I. Recent Books Reviewed 533
II. Governmental Research Association Notes .... *Edited by Russell Forbes* 539
III. Notes and Events .... *Edited by H. W. Dodds* 543

The contents of the NATIONAL MUNICIPAL REVIEW are indexed in the *International Index to Periodicals.*

GRIFFENHAGEN & ASSOCIATES, LTD.
BUREAU OF PUBLIC SERVICE

Consultants and active assistants on the administrative and financial problems of public bodies in programs of review, audit, and constructive improvement; seventeen years of experience in the service of officials, legislators, and citizen organizations

HEADQUARTERS OFFICES 155 EAST SUPERIOR STREET, CHICAGO
EASTERN OFFICES MILLS BUILDING, WASHINGTON, D. C.

THE LEAGUE'S BUSINESS

M. A. S. Pamphlet Translated into German.—The pamphlet of the Municipal Administration Service on the "Administration of the Gasoline Tax in the United States," by Professor F. G. Crawford, of Syracuse University, has been translated into German by the National Association of the Automobile Industries of Berlin and is being widely distributed in Germany and other European countries. This foreign recognition of the Municipal Administration Service is a high tribute to the merit of our work.

*

Additional League Committees.—In line with the present policy of increased activity, we are expanding the scope of our committee work. We have recently created a *committee on the county-manager plan.* The committee will formulate a report showing the results of county management in North Carolina and Virginia, and will draw up a suggested model law for recommendation to state legislatures. Professor John A. Fairlie, of the University of Illinois, will serve as chairman of the committee, while the committee secretaryship will be in charge of Professor Paul W. Wager, of the University of North Carolina. The personnel of the committee as appointed is as follows:

John A. Fairlie, University of Illinois, *chairman*
Paul W. Wager, University of North Carolina, *secretary*
Frank G. Bates, Indiana University
Otho G. Cartwright, Westchester County, New York, Research Bureau
James Errant, University of Oklahoma
Luther Gulick, National Institute of Public Administration
A. R. Hatton, Northwestern University
Howard P. Jones, National Municipal League
Wylie Kilpatrick, University of Virginia
J. Noel Macy, Ossining, New York
Samuel C. May, University of California
William S. Pettit, Far Rockaway, New York
Clarence E. Ridley, International City Managers' Association
Benjamin F. Shambaugh, University of Iowa
H. M. Waite, Cincinnati, Ohio

There are today a large number of different types of citizen organizations which actively participate in government. No literature is now available to show the scope of such organizations, and the results which they have accomplished. To fill this need, we have created a *committee on organized citizen participation in government.* This committee will prepare a report showing the different types of organizations, the operating methods of each, and the results accomplished. Our treasurer, Carl H. Pforzheimer, will serve as chairman, and W. P. Lovett, secretary of the Detroit Citizens' League, will be secretary of the committee. The following constitutes the committee personnel:

Carl H. Pforzheimer, New York City, *chairman*
W. P. Lovett, Detroit Citizens' League, *secretary*
H. S. Buttenheim, representing Civic Development Department, U. S. Chamber of Commerce
Mayo Fesler, Citizens' League of Cleveland
Lauder W. Hodges, New York Young Republican Club
H. W. Marsh, City Club of New York
George H. McCaffrey, Merchants' Association of New York
R. E. McGahen, Citizens' Union of New York
Belle Sherwin, National League of Women Voters, Washington, D. C.
Lent D. Upson, Detroit Bureau of Governmental Research

RUSSELL FORBES, *Secretary.*

NATIONAL MUNICIPAL REVIEW

VOL. XVIII, No. 8 AUGUST, 1929 TOTAL No. 158

EDITORIAL COMMENT

In accordance with our custom, the editors of three departments have a well-earned vacation this month. The omitted departments—Judicial Decisions, Public Utilities, and Municipal Activities Abroad—will be resumed in the September issue.

*

At a recent election in San Francisco, more than sixty measures appeared on the ballot. City charter changes were added to state proposals with the result that the ballot was so long that many voters in bewilderment stayed away from the polls.

*

Salesmanship and Cities

One of the problems of every city administration, no matter how good, is to sell itself to the taxpayer. The latest scheme from Cincinnati, is the application of direct-mail methods! With all water bills this June, was enclosed a small folder, containing a succinct summary of City Manager Sherrill's annual report. The list was headed "Savings and Accomplishments during 1929" and it neatly took the place of the sugar coating around the bitter tax pill.

Better psychology could not have been applied. If there is one time when the average citizen feels grumpy about his city government, it is when he gets a tax bill—of any sort. The feeling may be justified or unjustified—at any rate, it's universal. Tax-paying time is just the time for the city manager to catch him by the arm and say:

"Look here, old man. You've been getting your money's worth and more! See what we've done for you the past year!"

*

Middletown Politics

As those who have perused the book are aware, *Middletown*[1] is a dreadful book. It is a startling exposé of the average American city of about 50,000 population. It tells what its people do for a living, how they marry and bear children, how they spend their leisure time, what their religious beliefs are, how the town is controlled by dominant economic groups, and, finally, what its people think and do about government.

It is their conventional attitude toward city politics that is of greatest significance to those readers of the REVIEW who are spending energy in modernizing local administration. In Middletown this attitude has changed little from that of pioneer days. One of the most cherished ideals is "democratic government," but as applied in practice this ideal defeats its own ends. Actually it means nothing more than an unswerving loyalty to one of two political parties and a belief that all officials should be elected and periodically rotated. Although a person's political allegiance, like his religion, is usually determined by birth and family, in Middletown it is decidedly "good business" to be a Republican. Middletown's government seems to be wastefully and even fraudulently run, and politics and graft are one in the minds of many citizens. Rarely do campaign speakers mention the special ability of a candidate for office. Recently both political parties united to defeat a city-manager charter. As one business man put it, "There are not enough good people to outvote the bad element in town."

---

[1] *Middletown, a Study in Contemporary Culture.* By Robert S. and Helen Merrell Lynd. New York: Harcourt, Brace and Company, 1929.

Middletown is conservative. It gave no aid or comfort to the La Follette "radicals." Although its politics "smells to heaven," it displays a diminishing interest in local government.

The Lynds have set forth in more dramatic and convincing manner than professional political scientists have been able to do, the fundamental obstacles to better city government in the United States. They are not so much lack of interest in governmental affairs, as a medley of ingrained mistaken ideas about government and a failure to recognize the business side of municipal housekeeping. Partisanship intensified by a misguided theory of democracy, prejudice against proposals for reform emanating from any of the "business" element, the conviction that politics is rotten and that nothing can be done about it, influence of voters by emotional or selfish considerations, all are revealed as deterrents to progress.

Readers of the REVIEW should turn to the chapter on the Machinery of Government in *Middletown* for a dramatized display of the forces with which they are contending in their own cities. The cure is more than a revised charter, even if it be a city-manager charter. Accepted fallacies about government are deeply grooved in the political traditions and social life of Americans. That municipal reform involves a social complex far more inclusive than the field of government alone is, for municipal specialists, the important lesson to be learned from observation of this engrossing cross section of a typical town in the United States.

*

Recent British Election Renews Discussion of P. R. One result of the general election in Great Britain is to bring forward again the proportional representation method of election as an issue of immediate practical importance. It is rumored that Mr. Lloyd George, whose party, though grossly under-represented, holds the balance of power, may demand its adoption for future elections as a condition of his support of the Labor Government.

The Liberal Party has been definitely committed to the principle since 1924 and probably cannot hope without it to win ever again as large a share of support in parliament as among the voters. In this election complete returns indicate that the Liberals polled about 25 per cent of the popular vote, yet elected only 9 per cent of the members. Under proportional representation they would have secured approximately 25 per cent of the members also, or about 141 instead of 58.

The Unionist Party fared much worse, securing only 260 seats against 289 for the Labor Party. Yet the popular vote of the former surpassed that of the latter by 600,000 ballots. The reason, as Dr. Pollock points out in this issue, is found in the large number of three-cornered fights which permitted candidates to win by mere plurality votes.

If Britain is to maintain three active parties in the future, she will doubtless have to become reconciled to minority governments and a Parliament unrepresentative of the nation, or adopt proportional representation.

To many the success of the cabinet system of government has seemed to rest on the two-party system which assures a commanding and unified majority in the lower and dominant house of the legislature. The prophecy that the Liberal Party is doomed to disappear may be fulfilled. If it is not, however, England should at once adopt proportional representation as the soundest device for making a three-party system function satisfactorily.

*

A New Remedy for Civitosis

Writing under this title, Mr. Aldis in this issue makes the novel suggestion that trade associations and professional bodies be taken into the government. He has observed that municipal reform does not stick; indeed it seems to breed within itself the positive germs of its own destruction. Few voters respond to the efficiency ideal; many are merely bored by it, while a goodly number of others are emotionally repelled by the mention of the word. How can administration be purified and improved?

Mr. Aldis sees in the modern trade and professional association movement a great well of expert ability waiting to be tapped for the service of government. In many fields city officials appear willing to delegate to special advisory bodies or *ad hoc* agencies the determination of broad lines of policy. City plan commissions, mayors' advisory committees and the like are examples of passing the buck from the city fathers to the citizenry. But when it comes to the execution of plans, to the letting of contracts, the purchase of land, the employment of personnel, their attitude changes. For in this field profits are to be made, both political and financial!

New methods of control over the actual doing of the city's work are needed, Mr. Aldis believes. Not mere budget or tax control as exemplified in the Indiana system or the Multnomah County Tax Supervising and Conservation Commission, but an actual delegation of administrative work to trade associations which will be responsible for its success. Thus the reconciliation between government and business will be accomplished.

When public improvements are to be made, a committee of the real estate board will assess benefits and appraise property for condemnation; engineering societies will pass upon contracts and supervise the work. The health department will operate under the supervision of the medical association. The society of auditors and controllers will be responsible for the municipal audit; the bar will control the selection of judges.

Here is a proposition to stir the imagination! Let the professors of political science and others who theorize about government analyze its weaknesses and its possibilities. For the idea is novel, and doubtless has possibilities, although at first glance certain disadvantages emerge.

For one thing, how can we guarantee that the trade association or professional body will always be faithful to the public viewpoint? There is a glimmer of truth in Shaw's remark that every profession is a conspiracy against society. Certainly the public health authorities have had to contend, not only with the indifference of the medical profession, but sometimes with its active opposition. To what extent should a real estate board be entrusted with the power of life and death over zoning?

Furthermore, as Mr. Aldis recognizes, past attempts to set up special boards, often with particular qualifications, in the effort to by-pass the political city government, have ended in failure. From our bitter experience with such bodies has grown the short ballot movement, the most promising contribution to American political thinking in recent years. What assurance can Mr. Aldis offer that the horrible bacteria of politics will not infect the trade associations or at least the agencies they erect to take over the duties of government?

On the other hand, such associations have on occasion, when summoned to the aid of government, acquitted themselves with honor. For this reason, the suggestion of Mr. Aldis offers a valuable field for experiment. In England professional associations of local government officials have done much to raise the standards of administration and the prestige of the workers.

The suggestion merits consideration. Do not reject it because it is strange and therefore emotionally unpleasant. Think it over and let us know your views. The REVIEW will be glad to publish further opinions on the subject.

*

Wheeling Experiments with Mayor-Manager

On July first Wheeling's new mayor-manager assumed office. He is Thomas Y. Beckett, who at the time of his election was serving as the seventh manager in the series which Wheeling had hired since the adoption of the manager plan in 1917. Beckett, who is a Republican, received 11,800 votes against 7,000 for his Democratic opponent.

Although the old charter provided for nonpartisan elections, the managers and council were invariably Republican, and politics played a prominent part. The title "mayor-manager" of course means nothing.

ST. PAUL CLEANS UP ITS WELFARE ADMINISTRATION

BY HERBERT LEFKOVITZ

After graft disclosures resulting in prison sentence of one official and the unexplained death of another, St. Paul decides to abandon the antiquated board of control, in charge since 1872 of the joint welfare activities of the city and county. :: :: :: :: :: ::

FOR the better part of the past year St. Paul and Ramsey County, Minnesota, in which the city lies, have been coping with certain corrupt conditions which seem to have centered principally, if not entirely, in the administration of the county home and farm for the indigent poor. The district court grand jury in December indicted J. E. McMahon, the superintendent, on five charges of grand larceny, fraud and forgery. At the same time it severely condemned the board of control, which it called "woefully inadequate."

This body, established by the state legislature in 1872, and abolished this year, consisted of three members, one elected by the city council and two by the board of county commissioners. It administered the city and county welfare institutions, subject to no powers of removal and to no control once the city council and county board had voted the annual budget. For the past ten years the board of control was subjected to an almost continuous public criticism, culminating in the grand jury report of last December calling for abolition. Substantially the same findings were made at the same time by a special investigating committee of the city council and the board of county commissioners.

CORRUPTION REVEALED

Following these reports, rumors and allegations of widespread graft involving many departments of the city and county administration were reported in the press. An investigation was begun by County Attorney C. D. O'Brien, Jr., at whose request the state public examiners took a hand. The first phase of the inquiry and prosecutions has now been practically completed. The spring term of district court has adjourned. Of the various persons so far put under indictment all have been brought to trial save one. The investigation will continue, both on the part of the county attorney and the state examiners, and there are expected to be further presentments and prosecutions in the autumn. But barring unlooked-for developments during the summer, it is now the general impression that the graft conditions were neither so wide nor so serious as at first supposed, and that the peculations were limited to a few subordinate officials of the county government.

Up to the present two public officials and one private contractor have been prosecuted, and one, McMahon, has been sent to jail. McMahon, a fugitive for five months, surrendered himself in May, and pleaded guilty to fraud. He received a sentence of from one to seven years. Four other charges lie against him on which he will be tried in the autumn. Oliver J. Tong, for forty years the secretary of the board of control, was arrested under accusation of complicity with McMahon, and indicted for grand larceny, fraud and bribery. He was later found dead in his garage from carbon monoxide gas, under circumstances indicating suicide. His death seriously handicapped the investigation, since it was supposed that he held in his hands the keys to the whole situation.

One direct result of his death was the dismissal of charges of bribery against Joseph Sack, a contractor who had done a great deal of work for the board of control. Sack, however, was put on trial for the theft of 150 gallons of paint from the county home and its use on an annex to the county hospital which he had under construction. Sack was acquitted. A. B. Sharp, superintendent of sanitation, has also been acquitted on a charge of payroll padding.

The case of George Bowlin, former superintendent of the workhouse, goes over to the autumn term of court. Bowlin is accused of having, in association with Sharp, McMahon and Tong, cashed checks issued to fictitious workmen on a county home road which, it is alleged, was built with prisoner labor supplied from the workhouse by Bowlin.

SMALL PAY ATTRACTED ONLY POLITICIANS

The scandal accordingly now seems to be limited to petty peculations by a comparatively small group of officials over a long period of time. The exposures, however, have had the highly beneficial result of ridding the county of the incompetent and political board of control. This body had the expenditure each year of about one million dollars, but was practically irresponsible. What was vicious in the system, however, was the fact that it was perfectly fashioned to attract only petty politicians and persons of no capacity. A salary of $75 a month was paid, which was too much to secure really conscientious and outstanding citizens, and too little to get the services of competent administrators.

As a result the places on the board of control were chiefly sought by an undesirable type of politician who looked upon the job as a sinecure. The board itself can scarcely be said to have functioned. For practical purposes Permanent Secretary Tong, who did nearly all the work on the business side and whose acts and recommendations were approved for the most without scrutiny by the members, was the board. There were occasional exceptions when some member became interested in a particular item of business, but for the most the board was Tong and Tong was the board, with McMahon in close coöperation with Tong.

The following passage from the report of last winter's city and county investigating committee summarizes the situation:

> The evidence adduced plainly establishes the fact that for a long period of years the board of control has only exercised perfunctory supervision over the department entrusted to it. The members apparently contenting themselves with attendance at the semi-weekly meetings, conferring thereat with the active directing heads of the three departments; advising on matters of administration; but being guided almost wholly by the recommendations of these heads of departments. . . .
>
> The most important conclusion that has been arrived at, as a result of the inquiry and investigation, is that the system of managing these departments as presently constituted is inadequate and essentially wrong.

AT LAST BOARD OF CONTROL PASSES OUT

The board of control, however, was, for obvious reasons, solidly entrenched. During a period of ten years, all efforts to dislodge it failed. But the McMahon scandal, coming just before the session of the 1929 legislature, followed by the arrest of Tong, made it impossible for members of the Ramsey County delegation in the legislature to be of two minds any longer. Political affinities were scrapped forthwith, and the long-awaited reform took place. In the place of the board of control was substituted a board of public welfare.

The new body consists of five unsalaried members who are to function through a paid expert secretary. It was the intention that the members should be citizens of high standing and capacity, and the power of appointment was put in the hands of the mayor alone. The mayor designates two of his appointees as "city" members, whom the city council must approve, and three as "county" members, whom the county board approves. This arrangement is in conformity with the division of expense, since the county continues, as before, to pay two-thirds and the city one-third of the cost of maintaining these institutions.

In his first appointments Mayor Hodgson has met with universal applause. The new board consists of Fred R. Bigelow, president of the St. Paul Fire and Marine Insurance Company; Hubert W. White, a St. Paul merchant; John Schleck, a suburban banker; Dr. A. A. Van Dyke of St. Paul; and Mrs. C. C. Dailey, an experienced social welfare worker. The new board is thus able to begin its work free of political disabilities. It will have under its supervision the county home and farm, the Ancker or city and county hospital, and outdoor relief. In addition, the county board has put into its hands supervision over the two detention schools and homes for boys and girls which formerly were operated apart from the board of control.

IN SPITE OF GRAFT INSTITUTIONS WERE WELL MANAGED

It may seem a paradox, but it is apparently the fact that corruption and competence existed side by side in the past administration of the welfare institutions. No shadow of suspicion has ever crossed the administration of the county hospital, which enjoys and deserves a very high rating among such institutions of the country. Even the county home and farm is an excellent institution. Seven years ago there was obvious waste and extravagance in its administration, with the cost per inmate running as high as $1.65 a day. At that time, however, public criticism and an investigation by the Municipal Research Bureau brought effective reforms, and in recent years the cost has been kept within $1.15 per day for each inmate, which is not exorbitant. It was, on the whole, a well-managed institution and the inmates were well cared for, and decently and comfortably kept. McMahon was unfortunate in his attempts to build up a herd of purebred cattle, and seems to have made many costly blunders. But the dishonesty and graft, now disclosed, was almost entirely in matters of capital expenditure, or favoritism in purchase of supplies, and other similar peculations.

There is an obvious need for a vigorous clean-up, however, and a general improvement of the whole system of control. This the new board of public welfare is certainly competent and disposed to effect. The reformation of welfare administration in Ramsey County begins under good promise and highly favorable auspices.

WHERE CITY PLANNING AND HOUSING MEET[1]

BY HAROLD S. BUTTENHEIM

Editor, The American City Magazine, New York City

Those whom God hath joined together let no man put asunder

THAT city planning and housing meet so constantly and embrace each other so intimately as to make holy matrimony their only proper status, is the theme of this paper. And that their meeting places are so numerous and of such public concern as to merit much greater attention than they have heretofore had from municipal and civic leaders, I hope to demonstrate.

At the outset, two definitions are needed. The term *city planning* will be used as covering the selection and use of land for public purposes in urban areas and control by the public in such areas of the use of private land. *Housing* will be used in its obvious sense of structures designed or used for human habitation.

As thus defined, where do city planning and housing meet?

1. *They Meet in the Zoning Ordinance and the Building Code.*—Under the definitions just given, zoning may be regarded as a subdivision of city planning, and the building code as an important factor in good housing; or perhaps we might more accurately give to zoning ordinances and building codes the appointment as chief liaison officers between the city planning and housing forces.

The job of these liaison officers, of course, is to protect and control as effectively as may be, in the public interest, the proper use and development of private property. We need somehow to give them greater sanction than they now possess in many cities, and to warn our public officials and civic organizations against the too common American mistake of passing a law and assuming the job to be done. Careless building inspectors and complacent boards of adjustment are all too numerous in cities where law-making is regarded as more important than law-observance.

2. *City Planning and Housing Meet in the Street.*—And the street in its location and width is one of the most nearly permanent of human products. When Sam Walter Foss wrote "The Calf Path" he told, as you will remember, how:

> One day through the primeval wood
> A calf walked home, as good calves should;
> But made a trail all bent askew,
> A crooked trail, as all calves do.
>
> And men two centuries and a half
> Trod in the footsteps of that calf.

And, anticipating the modern traffic surveys, he added:

> A hundred thousand men were led
> By one calf near three centuries dead;
> They followed still his crooked way
> And lost one hundred years a day.

If we can ever induce our public officials to give as much forethought to placing new streets properly on the map as they are now compelled to give to correcting previous mistakes in this matter of street location and width, we shall have done much for the cause of city planning and housing. The untrained imagination of the foraging calf or speculative subdivider and the traditional conformity of the municipal engineer who cooks up his street plans on a gridiron, have been the chief factors heretofore in the design of our city streets. Among the ill effects on housing of this state of affairs—against which painfully slow progress is being made by our more progressive city planners and municipal engineers—are:

---

[1] Address delivered before National Conference on City Planning, in Buffalo, May 21, 1929.

(a) Needlessly high costs for land, because of wasteful street layout, involving greater installation of paving and utilities than scientific planning would justify.

(b) Failure so to orient the streets as to provide the maximum of direct sunlight to dwelling rooms.

(c) Back yards that are either too small or too deep for efficient use.

(d) More corner lots than needed, in residential districts, involving betterment assessments, street noises, traffic dangers and dust on two sides, where one front—or no front—on a motor highway would suffice.

3. *City Planning and Housing Meet in the Multi-Family Dwelling.*—In the new buildings now being erected in many of our larger cities, more families are being provided for in "apartment houses," so-called, than in single-family homes. The good old term "tenement house" has gone into the discard, except in legal documents. But while the multi-family dwellings now being erected are in general more fit for human habitation than the worst of the old tenement houses, most of these new buildings occupy, as Henry Wright, John Taylor Boyd, Jr., and others have shown, a needlessly large percentage of their lot area.

Our ears are being constantly battered these days with the half-truth that mankind cannot be made virtuous by law. The extent to which *words* can be made virtuous by law, I do not know; but if we could enact legislation which would restrict the use of the term "apartment house" to buildings occupying not more than 50 per cent of their lot area, and compel the use of "tenement house" in the name and in all advertisements of dwellings of the more congested type, we should go far, I am sure, to cure our speculative builders of their appetite for super-congestion.

4. *City Planning and Housing Meet in the Onward March of Business and Industry.*—The "blighted district" is the outward and visible sign of this unwholesome contact. No one wants business and industry to remain static; but a great handicap to the orderly development of most communities is that too much space, rather than too little, is provided for purposes of manufacture and trade. We have the spectacle of our small town Main Streets spoiled for a mile in length as sites for pleasant homes by straggling and struggling retail stores. The zoner or realtor who provides soil for two such stores to grow where only one is needed, is far from being as great a public benefactor as he would be, could he devise a method of restricting business property to the reasonable needs of the community without creating a form of land monopoly which would be to the community's detriment.

As to factory sites, let us have them by all means—in communities that want them. But let us stop providing any *unrestricted* districts in our zoning ordinances. If there is logic in excluding the so-called nuisance industries from other districts, why should we not exclude all housing from districts where nuisance industries are allowed? There is as yet altogether too much truth in the criticism which certain radicals make of some of our zoning ordinances—that they are devised with tender solicitude for upper economic groups of the community, but are far from providing adequate open spaces, sunlight, and freedom from noise and atmospheric pollution, in the districts where those of the "other half" live. If it be argued that congestion is necessary because of high land values, let it not be forgotten that one cause of high land values is this very fact that congestion is permitted—to the financial gain of a few and the detriment of the many.

5. *City Planning and Housing Meet—or Should Meet—in the Clearance of Slum Areas.*—On this important phase of the subject under discussion, I cannot do better than quote from an able article by one of our foremost authorities on housing, Dr. Edith Elmer Wood, which *The American City* is to have the privilege of publishing in an early issue.

Mrs. Wood lists four main causes of slums: (a) faulty layout—too narrow streets or too large blocks, inviting courts, alleys and rear tenements; (b) bad structural plans of the dwellings themselves; (c) disrepair; and (d) overcrowding and uncleanliness. While placing on landlords and tenants, rather than on city planners, responsibility for (c) and (d), Mrs. Wood says:

"With the residuum, however (slum conditions produced by faulty layout or by faulty structural plans in respect to light and air), the city planner ought to concern himself very deeply, for he alone holds the key to the solution. It is strange that his imagination has been so little stirred by the opportunities offered. A slum section is a liability to a community from every point of view—physical, mental, moral, industrial, economic. It does not tend to rehabilitate itself through the ordinary workings of supply and demand. The people who live in slum sections cannot afford to pay a profitable rent on new houses. Therefore none are built for them.

"The writer's thesis is that the only cure for slums of classes (a) and (b) lies in municipal clearance schemes, and that these should form, not isolated activities of the health and housing departments, as is necessarily the case in Great Britain under existing town planning limitations, but an integral part of every city plan which deals with an already existing community. . . .

"Ideally, a large slum clearance scheme could be linked with a decentralization scheme to their great mutual advantage. In practice, it has never, so far, been done. If the industries employing part of the residents in a slum section were moved to a satellite garden town offering good housing to the workers, many more would follow if they were being simultaneously dispossessed at home than if it were all pull and no push. Those remaining on the site should be better housed than would otherwise be possible, and surplus land could be sold for business or other purposes, reducing, if not wiping out, the cost of the improvement to the taxpayers. In addition to which, the transplanted families would be far better off than if they had remained.

"No instance of slum clearance with re-housing has yet occurred in the United States. Minor slum clearance may be said to have taken place where a small park or playground has been established as much for the sake of getting rid of bad houses and bad layouts as of obtaining the breathing space. Cases in point were Mulberry Bend Park in New York, Willow Tree Alley in Washington, Morton Street in Boston, and Hell's Half Acre in Philadelphia."

Mrs. Wood discusses slum clearance activities in European countries and certain proposals in Boston and New York, and quotes from the report presented in June, 1928, by the Sub-Committee on Housing (of which Lawrence Veiller was Chairman) of the vast

Committee on Plan and Survey appointed by Mayor Walker, of New York. The excerpts quoted advocate the use of excess condemnation in large slum-clearance schemes, such projects to be undertaken by a special "authority" to be created for the purpose. Endorsing this proposal, Mrs. Wood adds:

"But let us take heed also of the half-century's experience in slum clearance available for our study across the water. And let us recognize from the start that slum clearance will fail of attaining its principal objects—better health and better homes—if it does not provide new accommodations for those whom it displaces, and at rentals they are able to pay. This cannot be done on the basis of private enterprise for commercial profit, but in view of our much-heralded prosperity, it ought to be possible to do it without subsidy. If not, our people might still be wise to tax themselves for good housing instead of for hospitals and jails."

6. *City Planning and Housing Meet in Laws and Practices Relating to Real Estate, Taxation, Assessment and Eminent Domain.*—The painter achieves success when his beautiful dream becomes a picture; but the city planner or architect achieves success only when his beautiful picture becomes a street or a park or a building. The manufacturer succeeds when he designs a worth-while product and makes it and *sells* it. For some reason, however—or for many reasons—ability to transform city plans into a living reality lags far behind ability to conceive them. Discussing the economic phase of this subject before a 1927 meeting of the Snag Club, in New York, Dr. Charles A. Beard said:

"It will be conceded that the power of artists and engineers to conceive city plans and the capacity of technical experts, contractors, and laborers to carry them into execution is without discernible limits. Equally undeniable is the proposition that, considered from the standpoint of esthetics, economic efficiency, and physical comfort, our great cities must be assigned a low scale in the percentage of possibility. There is hardly a municipality of any size in the country that does not have filed in its libraries and its city hall innumerable dust-covered rolls of blueprints and projects, drawn by competent hands, indicating lines of constructive work which would add enormously to the productivity and comfort of its inhabitants. Apart from decorative work, such as boulevards making it easy for the Rotary boys to go from their offices to their country clubs, or civic plazas—that is, putting diamond crowns upon leprous brows—there has been very little achievement in the field of city planning in the United States. Our capacity for execution, for realization, has lagged far behind our capacity to imagine and to project. Why is this so? Surely there is no more interesting problem in social economy than this—none worthier of the highest talent we can discover."

We need, obviously, more efficient governmental machinery and community organization for carrying out our city plans. Fully as important, I believe, is the practical problem of acquiring the land and financing the improvement thereof or thereon. We can never reach absolute justice in so financing our public improvements that those who benefit from them will pay in exact proportion to benefits received. An approach by gradual steps to land value taxation, however, and a wider and more scientific use of the special assessment method of financing street, transit and park improvements will go far towards effecting a righteous and productive union of city planning and housing.

One of the most heartening signs of the times is the advocacy by the National Association of Real Estate Boards of the principle of excess condemnation (or marginal eminent domain, as it might better be called). And now if the same Association will use its great influence in behalf of laws by which private property needed for slum clearance and model housing projects can be secured at a fair price, it will perform a public service of great importance.

7. *City Planning and Housing Meet in Many Other Times and Places.*—To describe them all in detail would greatly exceed the limits assigned to this paper. But to list some of them may suggest profitable subjects for the discussion which is to follow. These other times and places, some of which have had incidental mention in the foregoing paragraphs, include:

(a) When a conflagration rages which scientific city planning might have prevented.

(b) When the prevailing winds blow and prove that certain housing and factory districts ought to have been transposed.

(c) When ordinary traffic highways are laid out where parkways ought to have been planned.

(d) In the selection of sites for future schools.

(e) In the layout of mill villages and other industrial housing enterprises.

(f) In the activities, good and bad, of real estate subdividers.

(g) In the city's transit system.

(h) In the new movement for architectural control.

8. *Finally, City Planning and Housing Meet in Their Social Objective.*—This social objective in the case of zoning has been admirably stated by Alfred Bettman, as being "always positive and constructive and not merely negative and preventive." And I want to supplement my own earlier definitions by describing *intelligent city planning* as the application of imagination, skill and justice to the layout and public control of the development of urban areas; and *intelligent housing* as the application of these same factors to the design and building of structures fit for human habitation. Is it too much to hope that, joined in holy wedlock, these great forces for human welfare may give birth to new and vigorous movements for making life more livable in American cities? May we not anticipate, for example, a friendly rivalry among the wealthy and public-spirited citizens of each of the forty-eight states in the building of the best-planned town for the motor age, and similar rivalry in all large cities in the development of low-cost garden homes for wage earners? The results would be a stimulus to city planning and housing progress whose benefits in human welfare and happiness would last as long as the world shall endure.

THE ENGLISH GENERAL ELECTION OF 1929

BY JAMES K. POLLOCK, JR.

University of Michigan

An analysis of the recent election by an eyewitness

BRITAIN has changed—it has made Labor the strongest party in the House of Commons. There is nothing revolutionary about this result of the recent general election, for it has been clear for some time that the Labor Party was gaining in strength; and again, the Labor Party is not revolutionary even though its members wave the Red Flag. England has not turned upside down, therefore. It has merely registered an effective protest against the recent Baldwin government. But having said this much, one must begin to explain and qualify and elucidate.

The election of 1929 is the first one in Britain under universal suffrage. The act of 1928 extended the franchise to approximately five million women, and it is evident from the results that the Labor Party secured more than its share of the new "flapper" vote. The young women workers in the industrial areas swelled the Labor poll, but the effect of the woman vote has been less obvious in the residential areas.

The final figures show that from a total electorate of 28,502,265, the number of votes recorded was 22,639,117. This gives a percentage of 79.4 as compared with 80.6 in 1924 and 74.1 in 1923. The popular vote and the seats were divided among the parties as follows:

Unionist	8,664,243	260
Labor	8,362,594	289
Liberal	5,300,947	58
Independent	311,333	8

MORE SEATS WITH FEWER VOTES

How did the Labor Party secure more seats in the House of Commons than the Unionist Party even though it did not secure as many votes? The answer is the same as in 1924—the large number of triangular fights permitted many candidates to win with minority votes. This time the Labor Party has benefited from the gamble, and again the Liberal Party (as Lloyd George has put it) "was tripped up by the triangle." There were no fewer than 470 constituencies in which there were three or more candidates, and in 304 seats the newly returned members have received minority votes. Too much must not be made of electoral statistics, but it must be admitted that an election under conditions similar to the present can hardly be expected to mirror accurately the mind of the electorate. Strangely enough, in spite of the unsatisfactory system, the election has given probably a clearer view of the nation's opinion than other recent elections. That is, it has registered a defeat to the Baldwin government and its policies, but it has not given a clear mandate for Socialism. Rather has it pointed toward a constructively progressive policy with regard to unemployment and disarmament and world peace, the really important issues of the election.

The Labor victory, however, should not be minimized. The party has registered many surprising gains. Industrial England has moved definitely toward Labor, and in these areas further consolidation of its party strength has been made. In fact it is very clear now—if it has not been clear before—that the Labor Party has come to stay and now is the second party in the state. An analysis of the vote in the urban centers definitely establishes the fact that Labor is here strongly entrenched. Even in Birmingham and Liverpool, two former Conservative strongholds, the Labor gains are ominous. A well-organized Labor Party has thus made it possible for its leaders to form a new Government.

CONSERVATIVES NOT WEAKENED BY DEFEAT

The Conservative defeat has not greatly weakened the party. To be sure, the failure of so many of its promising young men to be elected raises in rather acute form the question as to whether or not all the safe seats should be held by superannuated veterans, and the defeat might well cause the party to improve its practice in this regard. A set-back should always lead a party to take stock of itself, and undoubtedly the Unionist Party will find in its organization certain wrinkles which can be ironed out. In the next election, if present prospects are not deceiving, it will have a difficult task, and its years in opposition should not be wasted.

FUTURE OF LIBERALS

One of the most talked-about phases of the election is its effect upon the Liberal Party. There is very little frank, impartial discussion of this point. Both of the larger parties have pursued a persistent policy of sabotaging Liberal candidates, Liberal policies, and Liberal leaders. They both prefer a two-party system—one wonders why—and all their might is thrown into the struggle to squeeze out the Liberal Party.

But how has this double-barrelled discharge affected the position of the Liberal Party? Liberals themselves were greatly disappointed over the failure of the "revival" to materialize. The party was conceded twice as many seats as it secured, so impressive had been its progress during the past two years. But it seems as if the prophets underestimated Liberalism's difficulties under the existing electoral system.

All disappointments aside, the Liberals hold the balance of power in the new House of Commons. The balance will be very difficult to exercise, but they hold it indisputably, and it is neither good judgment nor good politics for the Labor Cabinet to ignore Liberal wishes. Incidentally, but not without significance, the Liberal contingent in the House of Commons, though small in size, is very superior in quality and more united than in the previous Parliament.

The size of the vote for Liberalism should be encouraging to the party. They secured nearly one-quarter of the popular vote, and this represents a gain of 44 per cent over their vote in 1924. Their opponents say that the increase was due to the introduction of so many hopeless candidates who attracted a few votes but did not stand any chance of winning. But this statement is quite untenable. Hopeless candidatures there were, but the Liberal Party was not the sole offender in this respect, and the party registered a substantial gain over 1924 in the very constituencies which they contested in that year. A survey of the returns shows that the Liberal Party made a net gain this year of nearly 800,000 votes over 1924 in the same constituencies they fought that year. This is something like a 27 per cent gain in these constituencies, while the whole electorate increased only about 22 per cent.

Aside, therefore, from securing its share of the new voters, and judging the party's gains by a most exacting standard—for 1924 was not a Liberal year—the Liberal Party did move forward instead of backward. Only in Cornwall were the hopes of the party substantially fulfilled, and their greatest gains were in the English and Scottish counties. The success of the Labor Party this time in the boroughs prevented Liberal gains in the urban areas. The party is not dead nor is it dying—it is "tripped up by the triangle."

"WRECKING CANDIDATURES"

All parties as a matter of fact used "wrecking candidatures." There were 75 cases in which "wrecking" Labor candidates probably prevented the Liberals from winning seats from the Conservatives and 61 cases where Liberals probably spoiled Labor's chances. One hundred and sixteen candidates lost their deposits, 35 of these being Laborites and 31 being Liberals. The Conservative Party profited most from triangular fights, and if they should have their apparent desire of squeezing out the Liberal Party, I am satisfied that there would be a large and more or less permanent majority in the country for the Labor Party. The Labor Party's policy of hacking at the Liberals, stealing their members and sneering at their policies might, if persisted in, prove disastrous to the Liberal Party, provided and provided only, that the Liberal Party misuses its present opportunity in the Commons, and continues its internecine struggles. A new electoral law providing for P. R. would perpetuate the three-party system, prevent "Socialism in our time," moderate Conservatism, and tend to steer Britain in the middle of the road. But how electoral reform can be brought about is another question too large to be discussed in this article.

FOURTEEN WOMEN ELECTED

Many less fundamental observations can be made about the election. Out of a total of 1,728 candidates, a record in parliamentary election history, only 69 were women. Of those nominated but 14 were elected—14 in a House of 615 members. Truly the British woman is not making much headway as a politician! The party work, however, has been taken hold of by women to a surprising extent. Many agents told me that the women were really supplanting the men in doing election work. But women are getting little recognition and the woman candidate is not a popul[illegible] one.

While the number of candidates grows with each election, the number of unopposed returns decreases. In 1924 the number stood at 32, but the new Parliament will include only seven members who have not had to go through a contested election.

Professor Laski has pointed out an interesting fact regarding the composition of the new House. There will be fewer businessmen, lawyers, rentiers and soldiers and sailors in the newly elected Commons, and more trade union officials than ever before. The number of lawyers has particularly dropped. So far as new members are concerned, there will be 133 who have never served before. About half of the membership has had experience in local government and about one-third of the members have some definite connection with the constituencies they represent.

A DULL CAMPAIGN

The election campaign was not at all thrilling. In fact it was quite dull, duller than usual. The electorate, as is proved by the percentage of the vote cast, was not apathetic. It was somewhat more serious and had seen the election coming for so long a time that it came to be quite fed up, like an American electorate, before the polling day arrived. The lack of a burning issue bringing about the dissolution gave the election campaign some of the earmarks of an American contest. There were, of course, on the other hand, many differences from American elections. The radio, for instance, was quite without influence. You cannot heckle over the radio and heckling is still an institution in Britain, especially in Scotland where the canniest of hecklers are to be found. The radio, too, is in the hands of a government-controlled monopoly, and aside from a few short speeches by the principal leaders there was no political broadcasting. Occasionally, but very rarely, a speech would be carried by telephone wires to several adjoining towns. But in general such means were not used. The Englishman does not like the inevitable mechanization of politics which universal suffrage renders necessary, and he has thus far not become adept in the use of mechanical means. He complains about the "enormous" number of electors he must try to reach, without realizing how relatively simple a task he has compared to an American or a German candidate in an election. As a result of the increased electorate, the political organizations were unable to do the effective canvassing which has characterized previous elections. Meetings were well attended, and candidates drew filled halls. The halls, however, are conveniently small in Britain, and the electorate is not much affected by the distractions which keep American voters interested in matters other than politics.

As soon as the result of the election had become clear, Mr. Baldwin handed his resignation to the King, who thereupon summoned Mr. MacDonald. The Cabinet formed by the Labor leader is a good one, and no time has been lost in moving toward the alleviation of unemployment and the improvement of Anglo-American relations. The electorate has spoken and "the King's Government must be carried on." The next few years will be of surpassing interest and importance in the determination of British institutions. All the great ability and political capacity of the British people will be needed to solve problems as difficult as this generation has ever known.

SPECIAL POLICE PATROL IN PORTLAND, OREGON

BY CHARLES McKINLEY

Reed College

If you would be a policeman in business for yourself, move to Portland and become a "special." Your profits will depend upon how lucrative a beat you can work up. And when you want to move elsewhere, you can sell your business to another aspiring "special." :: :: ::

During the past ten or fifteen years a very interesting development of the special police officer has taken place in Portland, Oregon. The issuance of stars and special police commissions to private citizens serving as night watchmen for private commercial establishments is a long standing practice in Portland. So, too, is the custom of commissioning such watchmen to patrol a number of commercial establishments in the business section of the city. But the general extension of this watch patrol service into the residential portions of the city until a large part of the outlying area is patrolled by privately paid special police is a matter of recent development.

About fifteen years ago some wealthy residents of the West Hills section of the city collectively employed a watchman to guard their houses, stoke their furnaces at night, and patrol the territory surrounding their homes. This man was given a special police commission. According to the lore of the old-timers in the Portland police bureau this inaugurated the practice of the private residential police patrol. There are no records available which would show the growth of this institution, year by year, in the period since that time. It is safe to say, however, that the most rapid extension has occurred since 1917.

FORTY PRIVATE BEATS

At the present time there are forty "beats" which are being patrolled by these privately paid special police officers, during the night time. Of these, nine only are in the distinctly downtown business district of the city on the west side of the Willamette River. On the east bank of the river, where the chief minor business district has been rapidly growing, there is one such beat. The remainder are distributed over the outlying sections of the city which are principally residential, although some are combinations of industrial and residential uses, and in most of the residence districts there are suburban retail centers. In addition to these forty beats now patrolled, there are seven more which have been developed and are recognized on the map of the police bureau, but which because of unprofitableness or other causes are not being worked.

In the spring of 1923 this special private police patrol had become so prominent that the police bureau made an effort to provide a minimum of regulation and supervision. The chief created a special commission, composed of the captain of the detective force and two of his inspectors, to control the granting of special police commissions, to delimit beats, to hear complaints of misconduct, and to recommend revocation of commissions.

All specials were ordered to answer a series of questions relating to their occupations during the preceding five years, to give the boundaries of their beats, to furnish their addresses, and to produce letters of endorsement from five reputable citizens. They were asked to tell their monthly compensation. Moreover, they were fingerprinted, photographed and measured and required to give a surety bond of a thousand dollars to the city for their proper conduct. Finally, an applicant for a special patrol beat was required to produce evidence that his monthly earnings would be at least one hundred dollars. This requirement was justified by the belief that a man earning less than this sum would be tempted to eke out his living by illicit activities.

This questionnaire and these precautions have been continued practically without modification since 1923. The civil service commission which tests all applicants to the regular police force has nothing to do with the specials. Once a special is commissioned he receives his star, a key to the police telephone boxes, and a copy of the police light signal system code. While a general order has been made that the special should call in to his headquarters every hour, this is not generally obeyed. It sometimes happens that a special who has changed his address without notifying headquarters cannot be reached for days. In some cases men quit their beats without notifying the commission and this is not discovered for a long time.

PURCHASE AND SALE OF SPECIAL BEATS

There are two methods of preparing the way for a special officer's commission: (1) by purchase and (2) by selecting a district in "virgin" territory, and signing up enough customers to assure the hundred dollar monthly requirement. The purchase price of districts ranges from a few dollars to as high as six hundred. Some districts turn out to be too poor to pay a satisfactory wage, and these are unsaleable. The police bureau sanctions this property interest and often assists in the collection of the money. Officer C., commissioned in 1925, purchased his beat from Mrs. Alice M., guardian for her husband, incompetent (who formerly worked the beat), for the sum of $300. This sum was to be paid out of earnings at the rate of $15 monthly. The bill of sale covering this transaction is on file in the bureau office, and contains the following sentence: "That this bill of sale grants to said F—— C—— the exclusive right to said designated boundaries of said police beat, and that I have a good right to sell the same." Another officer purchased his beat from the widow of the former officer for $300, which he paid in monthly instalments of $25. Record of this and other similar transactions are on file.

A "BOSS" POLICEMAN

At the time this commission to supervise special officers was created, one man who had been carrying on this occupation for fourteen years had worked up such a large territory, partly in and partly outside the downtown district, that he was employing three special patrolmen. His business enterprise was attested by his statement, "My business nets me about $200 per month," and by his business stationery, which showed the following letterhead:

W. F.——
Special Policeman
and Private Night Watchman.
—East——St.,
Portland, Oregon.

This man paid his special police patrolmen a monthly salary, plus a commission on new business. Later he sold a section of his territory to a sergeant in the regular police force, who retains ownership of it today and works the district by the same special officer employed by the former owner.

In working up his beat each special fixes a tariff for his services which suits his own notions of the value of his work and which is adjusted to the prosperity of his customers. The monthly fee ranges from a dollar to $10.50 per customer. In one wealthy district a standard fee of $5.00 is charged for each home-owner and $10 for each store. In another district, inhabited by less affluent citizens, the standard fee is $2.00 per householder and $5.00 for stores. In still another district the officer has apparently made a special bargain with each customer, for his prices show a scale of $1.00, $1.50, $2.00, $2.50, $3.00, $4.00 and $5.00.

Since there has been a marked development in many residential districts during the past few years of retail business centers, these furnish an especially important customer nucleus for a special officer. The storekeepers are anxious for special police protection and are willing to pay from five to ten dollars per month for the service. Such places usually demand extra services from the special, such as trying doors, stoking furnaces, etc. In the wealthier residential sections similar janitorial and night watch duties are combined with patrol work. One special who worked a prosperous home district made it a practice to meet the owl cars, and escort his timid lady patrons home. He also carried a tow rope and extra gasoline in his flivver so that he might render first aid to the stranded. This was his way of keeping his district in a grateful and philanthropic humor.

PREVIOUS TRAINING SLIGHT

In so far as the vocational history of these special officers is revealed by the questionnaires they are required to fill out, and by the records of the civil service commission, the following conclusions concerning their preparation may be hazarded: Five of the forty have had some previous police experience; one had been for a brief period employed by the Burns Agency. Of the five with police experience, three had been discharged from the regular police force in Portland; one had been given a temporary appointment, but through failure to pass the civil service examination had been discharged, and one had resigned voluntarily. Most of the men in the downtown business districts have served continuously for a number of years. The one ex-policeman who voluntarily left the police department has served one of these districts for twenty-four years. It would seem that for most of the specials their previous vocations had been quite unrelated to police work. Their activities had ranged under the following occupations: farming, common labor, boiler maker, cement worker, longshoreman, garage man, mechanic, engineer, street-car conductor and motorman, carpenter, auto salesman, lumber worker, transferman, and clerk.

PROFITS VARY

It is impossible to tell accurately just what these men earn at their police work, although they are required to state their earnings when they are commissioned. Assuming that the statements made at that time give some clue to the reward for this service, even though they probably understate the facts today, the average monthly return per officer is $135. On this basis it may be conservatively estimated that this special police service is costing the Portland people over $66,000 yearly. The same data shows that there is one man making less than a hundred dollars monthly, and eight earning over $160. Three of the eight make $200 or over, the highest income reported being $217.50. The salary scale of the uniformed Portland officer begins with $156 monthly and rises at the end of two and a half years to $186.

The specials are expected to work every night between dark and sunrise and are expected to furnish substitutes if they are ill. Should they make arrests they are required to appear in court as prosecuting witnesses, just as are the regular police officers, but unlike the latter who are allowed time off subsequently to compensate for this over-time effort, the specials are supposed to be back at their beats at the usual time each night. This is the theory. But no one really knows what time the special actually puts in, because the special commission which is presumed to supervise these specials rarely has any contact with them. When the special is commissioned and when he is hauled on the carpet to explain some complaint are the chief occasions for contact between the commission and the special. It is difficult for the layman to see why this supervising work is turned over to a committee of detectives. The very character of work in the detective service which differs markedly from patrol duty is bound to make it difficult to keep contact with this night patrol force.

MORE SPECIALS THAN REGULAR PATROLMEN

One of the most striking facts about this special police development is that the number of these privately paid police patrolmen exceeds the number of the regular patrol force on the second night relief. The set-up for that branch of the regular service showed recently a total of thirty-three booth and foot patrolmen and reserve officers for the entire city. On any one night it will frequently happen that the full complement will not be present because of vacation leave, over-time compensation by time off, or on account of special assignments which take men away from their regular patrols. Thus the real number of men actually on patrol duty on a given night is very apt to be less than thirty-three. It is, therefore, conservative to say that the number of special police operating at this same time exceeds by at least seven the total number of the regulars. It should be noted that during the first half of the second night relief a large proportion of the serious crimes are committed.

It is impossible to explain accurately why this special police phenomenon has taken this peculiar development in Portland. It may be tied up with the rapid development of retail stores in the residential districts which has been very marked during the past ten years—a by-product of the increasing traffic congestion in the downtown areas. It may be linked also with the real or fancied diminution of police patrol protection in the residence sections which has accompanied the growth of specialization of functions within the police bureau. (While we have more employees per unit of population today than in 1910 or in 1900, between 20 and 25 per cent of the police bureau personnel are servants of the automobile problem.) Or it may be merely that our people are so conservative about police matters that the partial motorization of the regular patrol service which has recently occurred, does not satisfy the desire of our citizens for a sense of security. It is probable that a combination of all three factors has been responsible.

But whatever the casual factors may be, the people of Portland are at present allowing their regular police patrol force to share their night duties with a large number of private police "entrepreneurs" who are exempt from civil service requirements, who have no share in the education furnished by the recently established police school, whose beats are determined principally by business considerations, and whose attitude toward their work must of necessity be dominated by their hopes of monetary profit.

A NEW REMEDY FOR CIVITOSIS

A MODEST PROPOSAL FOR THE REFORM OF CITY GOVERNMENT

BY GRAHAM ALDIS

Secretary-Treasurer, National Association of Building Owners and Managers

All sorts of advisory bodies and control agencies have been tried in city government without success. The author proposes that the professional and trade associations be taken into partnership with government and given a share in administration. :: :: :: :: :: ::

TWEED has gone, but Tammany remains. The "Grey Wolves" are extinct, but today Chicago has Crowe and Thompson. An odor arises in Philadelphia not unlike that which once emanated from the Gas Ring. In short, our city governments generally are, in essentials, little better than in the classic days of the birth of the reform movements. Some readers may dispute this; but for the purposes of this article,—which aims to present a basis for municipal reform which, so far as the writer knows, has not heretofore been described in systematic form,—I ask them to accept it as a working hypothesis.

Bureaus of Municipal Research, Women's Clubs, City Clubs, Civic Federations, Municipal Voters' Associations, Committees of Fifteen, of Fifty, of a Hundred, of a Thousand, Law and Order Leagues, Watch and Ward Societies, Suppressors of Vice and Exciters of Virtue,—the intensive labors of such of these, while useful, have not produced the municipal millennium.

REFORM HAS NOT BEEN EFFECTIVE

A great deal of energy has been expended in efforts to check graft. But today, graft has become so refined an art that Bryce's famous "suppressed chapter" on the Tweed Ring sounds like a kindergarten essay.

"Reform candidates" have been elected. But reform candidates, regardless of sex, race or color, have one quality in common,—an indigenous inability to ride the curial chair for more than a single term. Witness John Puroy Mitchel and, more recently, Dever in Chicago. Their aberrations often but pave the way for the triumphant return of the Civic Sinners.

Efforts to secure better results by improving the machinery go through similar phases. Today the tendency is all towards the consolidation of local governments,—city, county, park, school, and drainage districts, and many others. Yet the multiplicity of these agencies is itself largely due to past efforts at reform. When there was a new job to be done or an old one was done badly, the unsatisfactory character of all existing organs of government led the promoters of the project to create a new organ. Under the original impetus the new machinery would work well for a while, but sooner or later it sunk naturally to the existing political level.

Thus, for example, Chicago some ten years ago adopted a carefully worked-out scheme for an autonomous school board with a superintendent divorced from politics. Yet at the last mayorality election the elimination of such a superintendent,—a distinguished educator,—was the successful candidate's most prominent campaign issue.

The city manager plan at least concentrates executive authority and responsibility. So does the recent reorganization of Baltimore with centralization of accounts and audit, rigid budgetary control and a single department directing all work of an engineering nature. All this is necessary,—more so perhaps than reforms of political structure which have up to now engrossed our attention. But it takes only a little thought to show that the city manager is no cure-all. When it comes to a showdown, he is simply the appointee of a politically elected body, and he has one especial weakness: he is, and for many years will remain, peculiarly vulnerable to all the prejudice which can be whipped up against an outside expert whom "the big fellows brought to town to show us how to run things." And despite the great accomplishments at Baltimore, even those responsible for its reorganization will admit that already here and there are tendencies towards a relapse.

WHY REFORM DOES NOT STICK

The problem is not only how to reform but how to make reform stick. Our failures to accomplish this so far are due to our failures to face certain conditions peculiar to our city governments and to no other governments on earth, conditions which are the causes of the metropolitan disease which affects us.

First of these is our policy of suppressing, instead of regulating, three demands which, throughout the history of urban civilization, have asserted themselves in every great center. The demands for liquor, for gambling and for prostitution. With legal regulation impossible illegal regulation is inevitable. An illegal regulation is bound to mean coöperation with organized crime.

The second cause is the inferior quality of the city electorate. Negroes and aliens flock in; the executive and the clerk withdraw their residences to the suburbs. Many of the sojourners in apartment house or residential hotel are, politically speaking, only birds of passage; even if qualified to vote, never long enough in the neighborhood to learn that the corner cigar stand is a polling place as well.

A sub-caliber electorate. Officials inevitably preoccupied with their constituents' personal affairs when they are not, honestly or dishonestly, trying to discover just how far they should allow the sumptuary legislation imposed from outside to be ignored. These are the instruments through which we expect to solve problems, daily becoming more complex, more technical, further and further removed from the sphere of politics (in the Platonic sense).

PUBLIC OFFICIALS AVOID POLICY MAKING

Already the public officials produced by such a system have frankly abdicated one important function of city government,—that of determining future policy. The most conspicuous examples of this are the city plan commissions of Chicago and elsewhere.

In other instances special bodies have been impaneled to determine such matters as the location of the court house, the design of the town hall, the harbor plan, the uses of the big bond issue.

The harassed official, whether lily-white or the incarnation of evil, is only too delighted to relegate the importunities of conflicting interests to a special body. It is a divinely ordained arrangement for permitting him to escape the displeasure of the disappointed. And there are generally few if any perquisites in the mere formulation of a paper plan.

Its execution, however, is another matter. Here are jobs, expert fees, contracts, settlements with property owners. The unusual character of the work ordinarily invalidates such routine safeguards as civil service laws and competitive bidding.

Thus the Chicago plan commission, oldest and still one of the most prominent of such permanent "citizen's" advisory bodies, has consistently confined itself to furnishing expert advice on what improvements should be undertaken. The city administration adopted these recommendations with a gratifying respect for expert opinion; the plan commission evinced an equally correct unconcern as to the city's methods of carrying them out. The inevitable followed,—a resounding scandal over expert fees,—about which it is hard to imagine that the plan commission could have been as ignorant in fact as it was officially.

The lesson is obvious. It is time for the next step,—from control over planning to control over execution and expenditure. How shall such control be established?

Obviously any politically appointed body, if its powers are such as to affect political activities, will ultimately fall under political domination. How, therefore, shall we constitute bodies charged with control over execution so as to preserve their competence and independence?

Twenty years ago there was no answer. Today there is; it lies in the organization of modern business and professional life, particularly in our larger cities.

MAKE USE OF PROFESSIONAL AND TRADE ASSOCIATIONS

The bar, medicine, and the other liberal professions have long been organized into societies. The younger and vigorous half-brothers of these societies are the trade associations which, in Herbert Hoover's words, "within the last few years have rapidly developed into legitimate and constructive fields of the utmost public interest and have marked a fundamental step in the gradual evolution of our whole economic life." Rarer and rarer becomes the large concern which refrains from this sort of coöperation with its rivals. A good deal of the form and something of the spirit of the medieval guilds is reëntering the business life of our great cities.

In the protection of their trade interests these associations are constantly brought into contact with public authority and public policy. A change in the building ordinance may affect the manufacturers of brick, tile, concrete, and a dozen other products. A change in traffic regulation will have extraordinary effects upon retail business. Sometimes the private interest thus involved conflicts with other private interests, sometimes even with the public interest. But in these days when public good will is appraised as a tangible asset, the tendency is toward compromise rather than conflict,—and, even if it desired to adopt a stiff-necked attitude, the trade association rarely has the inherent strength (and never the "nerve") of a large corporation or cartel. Again quoting Mr. Hoover, "Trade associations, like many other good things, may be abused, but the investigation of the department of commerce shows that such abuses have become rare exceptions."

Repeatedly, impressionistic critics like Mr. Mencken to the contrary, do such organizations make good their claims to direct contribution to the public interest in that growing borderland between pure politics and pure business.

HOW THE SCHEME WOULD WORK

Here is a great well of expert ability only waiting to be tapped regularly instead of spasmodically. When public improvements are to be made the real estate board through a committee can assess public benefits and appraise property for condemnation; engineering societies can pass upon contracts and afford at least a general supervision over the work itself. The technical departments generally could operate under an advisory and supervisory arrangement of this character,—the health department and coroner, for instance, with the medical association; drainage districts and the department of public works with engineering societies.

Besides possessing a salutary authority to pry into departmental affairs, these associations could assist to advantage in matters of personnel. The merit system in the municipal services remains mainly a pious aspiration; the professional bodies could well undertake the examination of technical personnel both for original employment and for promotion, leading perhaps to some influence over the appointment of the head of the department himself.

A most important feature of such professional oversight would be in the law offices of the city and in the courts. If any body wants competent and impartial judges it is the bar and whether they are elected or appointed, the bar should have the means for making its opinion felt.

The auditor or comptroller rarely exercises his intended function of a check on the expenditures of other officials except as an incident to party quarrels. The obvious remedy is to follow normal business practice and require audit by a firm of public accountants. The difficulty is that unlike a business, no city department can be trusted to order its own audit. But if the matter were left to the high standards of the accountants' profession as expressed through its society, who can doubt but that the scope and execution of the audit would be all that could be desired?

The assessment of real estate for taxation is in theory a quasi-judicial function; in practice a means of political favoritism. In fact it is work for competent real estate men functioning as they often function in private employment as appraisers. Again a task for experts,—not the hand-picked "experts" of a political machine, but the regular or a special valuation committee of the real estate board whose composition is normally such as to make favoritism to any part of the city a difficult matter.

Heretofore, as Frank R. Kent tersely puts it, "the business man has been a boob in politics,"—particularly in municipal politics. He has shunned them partly from indifference, partly from fear and has left such activities to the futile zeal of that little group of public reformers who are to be found in every city,—generally in the right, but too often impotent to impregnate either public or official consciousness with their ideas.

But today high taxes hurt, crime hurts, inadequate public improvements hurt business. Business realizes this, and through its coöperative organization has means to secure good government which the volunteer reformers (God bless 'em) never possessed. Detroit, for instance, has quietly discovered that it is possible to apply a continuous supervision over public expenditures and public administration by or in the name of the city's organized commercial and property interests.

Such is the new remedy for *civitosis.* It is neither a borrowing of European methods of city government nor an effort to reapply the early-American democratic dogma. Lacking the sanction of such lineage it has not as yet received much recognition from the professors of political science. But from the standpoint of those who would like to see civic reform stick, it has the virtue of the pragmatic sanction.

THE GROWING TRANSPORT PROBLEM OF THE MASSES

RAIL OR RUBBER OR BOTH?

BY J. ROWLAND BIBBINS
Consulting Engineer, Washington

"*Rails are now and will be for some time the mainstay of local transportation with no possible alternative except the motor coach auxiliary; private transport has found its own fatal limitations.*" :: ::

THE laws of growth, formerly defining city passenger movement before the auto era, seem now to be holding fairly well for the *total* riding habit both by rail and rubber. City people still demand about the same number of rides according to the size of the city, with this important difference—that the private motor seems to have absorbed perhaps one-third of the normal *fair-weather* riding habit, leaving the public transport system to get along on the other two-thirds, generally under conditions of increasing street obstructions from these same motors.

It is a fundamental principle of efficient transportation that, with increasing traffic density, the independent and scattered transport units must be further and further consolidated into larger units of greater carrying capacity. This railway axiom is just beginning to be rediscovered by traffic men in our cities and it points unmistakably to further need and development of the rail transit systems to their utmost, plus a system of motor buses and specialized coach services, all coördinated therewith into the most efficient mass transport system. And whether we like it or not it is also becoming clear that the street railways in all but our very large and very small cities must continue for some time to come as the backbone of city mass transport.

TOTAL TRANSPORT DEMAND

This total transport demand in our main cities appears to be increasing around the square of the population. A detailed study of many cities, and particularly of their central districts, has driven me to the conclusion that we should *now* be planning ahead for a city double the present size. Our 32 large cities of over 200,000 people, already cover 2,370 square miles, with 8,270 square miles additional "metropolitan area," a total area of over 10,000 square miles, larger than the state of Massachusetts, with nearly 30,000,000 people.

What agency is really serving these people? The records of 212 railways, two-thirds of the total companies, show traffic of nearly 10,000,000,000 revenue passengers a year, more than ten times the peak passenger traffic of our steam railroads. These traction systems operate also about 8,500 motor buses and coaches, mostly within the cities. The fifteen larger railway companies, each operating over 100 buses, use probably 3,000 of these buses in strictly city service, averaging 33 seats each. In addition, the four large bus companies of New York, Chicago, St. Louis and Detroit, operate about 1,500 more buses. All told there appear to be about 12,000 motor carriers in the United States, urban and interurban, in 1927, as against 81,000 surface railway cars.

The significant trend is shown by yearly additions of motor bus units, also net route miles added to what is generally known as "city railway" service. These additions to buses seem to have reached a peak in 1925. Since then the lower rate of absorption of motor bus services by the mass-transport system seems to have settled down more definitely toward a carefully planned system of supplemental services with more and more emphasis upon the development of specialized services which the motor coach is better fitted to render. Perhaps the greatest promise of the near future—long-haul express bus service—will again turn upward to new peaks the trend of growth.

In the meantime 22 cities, now registering over 75,000 autos, have reached a total registration of nearly 4,000,000 cars, or about 20 per cent of the United States total. These cities house over 23,000,000 people, averaging about one motor to 1⅓ families. But this registration increase rate is slowing down. In these same large cities, about 2,500,000 autos would probably be required to handle the rush-hour load, assuming a yearly riding habit of 250 rides per capita. With the prevailing average load of only 1.7 persons per auto, rush-hour mass transport by automobile is clearly impossible. And the automobile is distinctly a fair-weather agency. Yet it has absorbed perhaps one-third of the total revenue riding habit with the result that on 25 large railway systems, handling over 100,000,000 passengers per year, only five or six of them, two in Canada, are showing good traffic increases. The balance all show decreases, many of them serious. Here is the real economic picture of free and open motor-competition, and the much discussed *monoply* aspect has entirely changed.

The cities must be served. What then is the best method and agency under present limitations of street plan and capacity, paving standards and mileage, and ability to finance great transportation improvements, especially in the absence of benefit assessment upon adjacent property improved thereby? Few cities can afford rapid transit. New York is already approaching a billion-dollar investment, and carrying 20 per cent of the capital charges by taxation. Philadelphia has just spent $15,000,000 per route mile for a new subway trunk. Even Chicago is still being served largely by surface traction. The main national problem seems to be to provide transit in cities of over 200,000 population, and in some of the 290 cities over 300,000.

METHODS OF IMPROVING TRANSPORT LINES

First—higher speed. We are in a motor age and the 30-minute time zone usually defines the distance most people are willing to live away from their work. In some large cities this averages only 3½ miles radius by traction lines, but special motor-coach services reach perhaps one mile further in 30 minutes, which means a two-thirds increase in the area of the zone, where people can live comfortably. This is vastly important in terms of social betterment and home-owning citizenship. For recent housing development is clearly trending to the suburbs. Thus Philadelphia's new housing since 1923 is largely outside of the five-mile zone and in 1927 apartment housing built in North Philadelphia, five to seven miles from the City Hall, even exceeded the heavy growth in single and multi-family homes.

The practical remedies demand our first attention. Street car speeds, especially during the important rush hours, have become distressingly low under present street conditions, often as low as 4 m.p.h. on main trunks, and even less in central zones of complicated terminal loops. In such cities the average speed of the system on the street might be as high as 9 m.p.h. through the year. The higher speeds possible with proper planning of bus routes is important and raises the question whether, in the absence of real rapid transit, it has not become a necessity to develop these long-haul express coach services with limited stops even at higher fares and to develop separate express streets for this long-haul traffic, both private and public.

The main problem today is the street railway trunk line. Its solution can at least be approached by protecting the essential streets with "Stop-As-You Enter" signs, judiciously placed (instead of erecting them against railway traffic, as done in some cities to favor cross motor traffic). An effective aid is to eliminate parking on that side of the street where the heaviest traffic moves—inbound A.M. and outbound P.M., thus practically doubling the effective capacity of the traffic ways. Four-lane trunk-car-line streets should, of course, be cleared on both sides through the central districts.

Traffic signals will either help or hinder movement according to the technical skill used in their design and operation. There has been too much copying other cities. Railroad signalling has supplied the basic technique for the modern, coördinated wave system of speed control which has proven most effective to keep trains *on the move* rather than to "hit and run" through a maze of uncoördinated signals. Chicago has demonstrated the fine results of coöperation between the city and the railway's technologists in traffic control and signalling. Within the last five years in that city the net *running* speed has increased 10 per cent and revenue passengers 16 per cent. On lines of the Loop district these signals increased the speed to 6 or 7 m.p.h.; on lines outside of the Loop, 12 m.p.h. or more, average running speed 11.2 m.p.h. This very real accomplishment stands out in comparison with a two-track rapid transit line which usually runs about 17 m.p.h. without express service.

The whole problem of higher speed rests upon a carefully designed base thoroughfare plan and a close technical study of efficient routing and operation.

HEADWAYS AND CAPACITIES

Second, density and capacities. Rush-hour movement today is demanding headways or car-spacing as short as 19 to 22 seconds, as in Chicago, Philadelphia, Montreal and even Washington. As these close headways are about the same as the average loading time at the heaviest loading point, the maximum throat capacities have already been reached or exceeded. In fact, with cars spaced closer than 30 seconds headway, the line is usually slowed down during rush hours below an acceptable speed. But intensive studies of traffic control, street plan and re-routing will usually point the way out.

It should require no further argument to show that rails are now and will be for some time the mainstay of local transportation with no visible alternative except the motor-coach auxiliary; for private transport has found its own fatal limitations, *i.e.*, lack of terminal facilities in cheap and convenient day storage, and disproportionate use of street space.

As to capacity, modern railway cars average well over 40 seats, usually with a comfortable carrying capacity of 75 to 85 passengers; also loading speeds of one second per passenger, or perhaps one-half second on the pay-as-you-leave plan with platform reservoir capacity to load promptly groups of 10 to 20 people. In fact, articulated two-car three-truck units are being developed for rush service with nearly 200 carrying capacity and the whole industry is undergoing active modernization. Thus the modern car line should realize rush capacities of 10,000 to 12,000 passengers per hour with reasonable speed and requiring but one *fixed* traffic lane, 8½ feet wide or about 10 feet in gross clearance width.

Motor buses, on the other hand, have serious limitations in such dense service, lacking peak overload capacity, accelerating speed, platform and aisle space, door width, etc., and actually requiring more lane width because of their habit of weaving across the traffic lanes or straddling instead of following a definite lane as street cars do.

But when properly coördinated, the coach should find ample usefulness in local transport for "boulevard express" runs, feeder and cross-town lines, extension or "feeler" lines in outlying suburbs, "stop-loss" service on existing lines, short runs along heavy railway trunks, and certain heavy duty services as in New York, Chicago, Detroit, St. Louis and Washington. Also in special de-luxe limited service at higher fare.

ABANDON "TOWN-PUMP" IDEA OF TERMINAL ROUTING

Third, routing and operating efficiency. This is a railway problem deeply involving the franchise questions, personality of management and general resistance against change. Many railway companies, like steam railroads, seem to shy at engineering analysis and economic research as applied to traffic and transportation departments. Yet these have primary control of nearly *half of the operating cost*, and to a large degree, the success or failure of the whole public service. It has become the main road to the recapture of lost riding habit.

In many cities the "town-pump" idea of terminal routing still prevails, with complicated trackage, overloaded throats and crossings, and often a transfer charge to add to the discouragement of cross-town riding. So the automobile flourishes. Some round cities, like Washington and Baltimore, are almost entirely through-routed and have to be to operate at all. Chicago's longest through routes, 18 to 20 miles long, developed no greater average haul than most of the terminal Loop routes. The principle of through-routing is primarily one of mechanical convenience and operating efficiency, spreading the business district and increasing public facilities. But it must be applied with intelligence and detailed study of local conditions and balancing of service.

Other methods of improvement include wider distribution of routes, cars and loading points, short turns and turnbacks, multiple berthing of cars for rapid loading and movement through crossings, methods of expediting loading and unloading, safety zones, etc., always designed for the city itself, not by copying other cities.

Unification, by agreement, if not by ownership, is often required for most efficient routing, illustrated by the two independent systems of Washington. And the routing system must be worked out in connection with the city plan to avoid such obvious handicaps as exist in Washington today, where each of the two systems has important routes with forty or more turns per round trip due to obstructions in main arteries because the original city plan was designed for architectural vistas rather than traffic efficiency.

The definite value of economic study and planning is well illustrated by the Chicago terminal re-routing in 1924 which saved in trainmen's wages at the rate of $460,000 per year, released 41 cars for service elsewhere, eliminated 11,000 turns per day on 35 routes, and generally speeded up operations. In another recent survey by the writer in a city of 500,000 people, over $600,000 saving in transportation costs a year was estimated from re-routing, simplification of terminal trackage, re-assignment of waste service, etc., all resulting in better running speed and closer approximation of actual origin-destination of riders.

COÖPERATION WILL RESTORE MASS TRANSPORT

The city planners, the traffic authorities and the railway technicians have generally been working too independently, if not at direct odds. Chicago has proven the value of coöperation. With reasonable efficiency, it seems clear that mass transport systems may regain much of the lost riding habit and give both companies and cities a breathing spell for more careful study and planning for the future of both surface and rapid transit. Any theory of planning or traffic control which subordinates these basic services is deliberately sacrificing the greatest public benefit of the community.

SUMMARY

1. We should plan now for cities twice their present size, in steps suited to growth as it occurs. Forewarned is forearmed.

2. It would take over 2,500,000 autos to handle the rush-hour load of our twenty-two large cities of over 75,000 registration. The impossibility of running this vast fleet renders imperative the maximum preferential use of large-capacity vehicles.

3. Hence surface railways, which carry well over ten times the traffic of our steam railroads, must continue to function for some time to come, except in very large and small cities, as the backbone of mass transportation, supplemented by motor-coach services.

4. Railways function best by distribution, and may thus become a valuable corrective to the "town-pump" type of business center which inevitably brings congestion and later forces expansion or partial migration. "Skyscraping" has become a dangerous pastime.

5. The highest possible average operating speed is the greatest need today

to reduce congestion caused by individual transport, and to recapture the lost riding habit. And the main hope of interim rapid transit appears to rest with "express" buses on separate speedways.

6. The city plan should therefore recognize mass transport as the primary source of control over healthy city growth, not as a subordinate factor, and should organize usage by separating express speedways and fast-transit streets from slow-trucking streets.

7. The great cost of paving about 1,000 miles of streets per million of city population emphasizes the great need of planning and paving streets for most efficient use of fast and slow traffic and light traffic respectively.

8. The traffic control plan should provide protected fast streets and should signal the main intersections and transit trunks for continuous rather than intermittent movement, and with the shortest possible signal cycle.

9. More efficient transit routing, both line and terminal, offers wide opportunities for increased average speed, convenience to car-riders, and reduced operating costs.

10. Higher operating efficiency, needed particularly in the transportation department to promote good will and growth, is obtainable only through constant research in changing loads and traffic origins.

11. Traffic authorities should cooperate, and utilize the technical experience of railway engineers in adapting traffic control systems to local needs.

SCHENECTADY'S LONG-TERM FINANCIAL PROGRAM

BY HAROLD I. BAUMES

Staff Member, Schenectady Bureau of Municipal Research, Inc.

Schenectady budgets her capital improvements ten years in advance. The program can be executed with little increase in tax rate. :: ::

Soon after the organization of the Schenectady Bureau of Municipal Research, the need for a financial plan for the city was impressed upon city officials and taxpayers, and, at the suggestion of the Bureau, the mayor sought the common council's permission to appoint a "Capital Budget Commission" to draw such a plan. The council approved the mayor's request and added that the coöperation of the Bureau of Municipal Research should be solicited.

THE COMMISSION'S TASK

Last July the mayor appointed a Capital Budget Commission consisting of four city officials and three civilians. At the first meeting of the commission, the president of the common council was elected chairman and the managing director of the Schenectady Bureau of Municipal Research, permanent secretary. This group convened about twenty-five times during the year to consider detailed studies made by the Bureau of Research and to arrive at final conclusions in regard to financial problems of the city. The purpose of this non-political body was to decide: (1) What public improvements suggested were most essential to the welfare of Schenectady, and (2) how many of these could be made during each of the next ten years without causing an appreciable increase in taxes.

PRELIMINARY STUDIES

Preliminary reports dealing with all phases of long-term financial planning were prepared by the Bureau for the consideration of the commission. The first report, entitled *Introduction to a Long-Term Financial Program for Schenectady*, concluded that if current city expenditures continued to increase for the next ten years at the same rate as during the last ten years, the anticipated income at the present tax rate ($22.81 per $1,000 valuation) would not be sufficient to cover them, and consequently money would have to be raised by obtaining new sources of revenue, borrowing, or raising the present tax rate.

A study of *Schenectady's Population* demonstrated that the rate of growth of the city was decreasing, and that unless new industry is attracted to the city, the population may be expected to increase very slowly.

A survey of the *Physical Expansion* of the city pointed out the fact that the political boundaries of the city do not embrace the total natural physical growth of the city. Present tendencies point to the fact that future growth may take place largely beyond our present city lines. Therefore, increases in assessed valuations will appear largely outside the city and will be of no direct benefit to Schenectady from the point of view of taxation. Nevertheless, capital outlays for improvements such as sewers, designed to serve areas outside the city's boundaries as well as within, must be made, and unless these areas elect to come within the political city boundary, the city must bear, almost invariably, more than a proportionate share of such improvements.

A fourth report, on *Departmental and Miscellaneous Revenues*, showed that sources not now utilized could be added profitably to those in the present system, and certain schedules of payments for licenses and permits could also be revised with the possible result of increasing the city's income by about $35,000 a year.

A detailed study of the *Bonded Debt* exclusive of water bonds and special assessments as of July 27, 1928, showed that there were bonds outstanding to the amount of over $7,000,000; that the principal and interest payments combined on the debt outstanding at present will amount to over $1,000,000 a year; and that the last payment on bonds outstanding will not be made until 1948. This study was of the utmost importance to the commission in enabling it to arrange the retirement of bond issues anticipated for future public improvements so that the debt payments would remain nearly constant and not reach such proportions as to necessitate a much higher tax in certain years than is experienced this year.

Consideration was also given the *Special Assessment Debt* of the city. The principal and interest outstanding on special assessment projects certified to July 30, 1928, plus those authorized to September 1, 1928, amount to about $3,000,000, and the annual payments on these assessments totaled nearly $300,000 in 1927 and 1928.

ONLY ESSENTIAL IMPROVEMENTS INCLUDED

With these preliminary surveys to guide them, the commission has been able to draw up a long-term budget of capital expenditures for improvements which are absolutely essential to the welfare and economic efficiency of the city and its inhabitants. Budget request forms were sent to every department head in the city, and on these blanks, estimates of future operating expenses were made. Each department head was asked also to submit a list of public improvements which, in his opinion, should be undertaken during the next ten years. These lists were supplemented by those from civic organizations and interested citizens.

Improvements which were requested and desirable, but which in the opinion of the commission were not of immediate necessity, were not included in the schedule of improvements. Every effort has been put forth to arrange a capital budget which can be met by the average taxpayer and also is compatible with a healthy growth and constructive improvements in Schenectady. The program of improvements has been arranged so that the immediate needs of the community will be satisfied first. Those projects which are not mandatory at present, but which clearly would be so within the scope of the financial program, were included in the latter part of the ten-year program in the years when it appears that they will become essential tothe community. Any possibility of haphazard commitments to capital expenditures or unwise and ill-considered financing has been removed by the conclusions and recommendations of the Capital Budget Commission. Each issue of bonds has been fitted into the whole ten-year program at the time most consistent with both the needs of the community and the ability of the taxpayer to assume the burden. By viewing this program as a whole, the proper place for each single improvement could be more clearly seen than is the case when one bond issue is considered individually with little thought of its relation to all other projects for which bonds have been issued, or are soon to be authorized.

PROGRAM PERMITS DEBT PAYMENTS TO RECEDE AFTER 1931

Over 27 per cent of the 1929 city tax levy will be used to retire debt and pay interest. The 1919 budget contemplated a principal payment of $331,000 plus interest charges of about $198,000, or a total debt charge of $529,000.

The city tax levy for 1929 raised a total of about $1,253,000 for this purpose—an increase of 136 per cent during the last ten years. These data demonstrate conclusively that debt charges have been mounting rapidly during this period.

Naturally the payment of principal and interest totaling over $9,000,000 on the debt now outstanding will be felt keenly in the next few years. This was the most difficult thing the commission had to face in view of the fact that our assessed valuations are increasing slowly. The assumption of the large bond issues for a high school and a city hall, together with certain minor improvements, and payments which have to be made on the debt already outstanding, probably will cause an increase in taxes in the next five years. The increase will not be great, and appears to be unavoidable in view of the large debt already incurred. The valuable and badly needed improvements to be made are well worth the slight increase in taxes incurred by their authorization. The city hall and large senior high school are improvements which need not be repeated for many years; their inclusion in the program is immediately necessary.

Close adherence to the program outlined will allow taxes to recede to their present level toward the close of the improvement period. Debt payments will actually become less each year of the ten-year period after 1931, and if the schedule of capital expenditures is followed, these payments will not be increased by bond issues suggested in later years and not included in the capital budget. In other words, the report of the commission points the way to the cessation of continually increasing debt charges and to the establishment of a tax rate within the ability of the average taxpayer to pay. At the same time a constructive program of public improvements consistent with healthy community growth and sound municipal finance is made possible.

ESTIMATES TRIMMED TO $5,000,000

The commission reduced the preliminary program of public improvements totaling $9,174,000 to a final schedule totaling $5,171,000. Practically all of the projects listed in the preliminary program were desirable, but it was felt that not all were absolutely essential to the needs of the city. The increase in taxes which would have been imminent had this preliminary program been adopted was so great as to make the adoption of all the improvements prohibitory. The commission, after much deliberation and consultation with city officials, included in the final approved program of capital expenditures only those projects which were essential to economic efficiency and sound municipal progress and growth. Under the program as finally recommended, the tax on a $10,000 property will be $1.40 lower in 1930 and $15.30 lower in 1938 than would have been the case had the preliminary program of improvements totaling $9,174,000 been adopted in its entirety.

In conclusion the commission called attention to a number of items which, it believed, contained possibilities of savings in current operating costs. These suggestions were in the nature of consolidation of bureaus, reorganization of administrative machinery and changes to effect economies. It is felt that all the suggestions made as a result of a general survey of the activities of the city government are constructive, and that changes made according to these suggestions will be to the advantage of both city officials and taxpayers.

In addition to the ten-year budget submitted the Commission has recommended the passage of a local law providing for the permanent organization of a capital budget commission for the continued encouragement of sound municipal finance.

CINCINNATI'S CITY WORKHOUSE

BY C. O. SHERRILL

City Manager of Cincinnati

The renovated workhouse reclaims men and equips them for useful employment instead of rendering them less fit for society. :: :: ::

The workhouse at Cincinnati is located reasonably near the center of the city on a tract of ground of about sixteen acres. It consists of a building capable of housing approximately 800 prisoners, also a large number of auxiliary buildings which in the past were used for private industry with prisoners being farmed out.

In 1918 it was decided that the city prisoners could better be handled in the county jail, which had just then been finished. Consequently, the workhouse was closed as a correctional institution.

In 1926, with the inauguration of the manager form of government in Cincinnati, a comprehensive survey was made of the situation of correctional activities and care of prisoners, with a result that the methods were found to be extremely unsatisfactory. The county jail was packed almost to double its planned capacity, with absolutely no facilities for giving the prisoners useful occupation, and with the corridors jammed with idle men undergoing deterioration at a rapid rate after admittance to the institution.

THE WORKHOUSE REËSTABLISHED

It was therefore decided by the city council, on recommendation of the city manager, that the workhouse should be reopened. This was done during that summer of 1926, and arrangements were made for the care of all city prisoners at this location.

The buildings, which had fallen into a dreadful state of dilapidation, were renovated largely by prison labor at very small cost. The city's central garage, the highway maintenance bureau, the waste collection department, and the paint and sign shop were moved to the workhouse, and since that time have been operated with a small number of experts assisted by prison labor. The result has been the development of a great industrial plant with prison labor as the operating force under the direction and training and supervision of expert mechanics and foremen. At the present time these activities are being expanded through the construction of a 350-ton-per-day incinerator plant for the city's wastes except garbage. There is also being constructed a laundry capable of handling all of the laundry work of the city institutions including the city hospital, which has an average daily personnel of staff and patients of approximately 1,200.

All the common labor necessary for these activities will be furnished by prisoners. In addition to these activities within the walls, a considerable part of the work of the highways and street cleaning departments is carried on by prisoners sent out from the workhouse in groups of six or more under guard. For instance, one squad devotes its entire time to cleaning up unsightly conditions throughout the city, cutting weeds on vacant lots, removing débris, and acting as a general moving patrol to keep the unsightly places of the city in hand. This work is accomplished through the coöperative supervision of the sanitary inspectors of the health department, the foremen of the waste collection department, and the guards actively in charge of the prisoners.

The guards are trained not only to see that the men do not escape, but also to give supervision and direction to them in any class of work they may be called on to do, very much like the provost guard at a military post which supervises all classes of miscellaneous work to be done. Other detachments of prisoners are constantly used as laborers in the maintenance, care, and improvement of the airport. Other detachments are used constantly on excavation of material along highways from hillslides and in other grading operations. The prisoners also assist in occasional labor work at the city hall which cannot be handled by the ordinary janitorial force. When the incinerator and laundry are completed, there will be approximately twenty-five prisoners working in the incinerator, and at least that many or more in the laundry, with a saving to the city of at least $30,000 a year on the laundry work heretofore done at the General Hospital.

GREAT IMPROVEMENT IN MORALE

The success of this plan of considering the body of prisoners as a reservoir of prison labor something like the labor battalions in France has had the most remarkable success, not only in the output of work accomplished by these men but more particularly in the tremendous improvement in their morale and contentment while in the workhouse. It is a common remark by all visitors that they have never seen a better looking lot of men. There have been many cases in which prisoners have requested to be allowed to remain in the institution after their service is over, or to be given jobs at the workhouse. This is habitually done when it can be arranged. One man, a painter, on termination of his sentence last winter asked that he might remain in the workhouse without compensation until the opening up of construction activities in the spring. He was retained and paid the usual labor wage for miscellaneous work until he could find employment on the outside.

V. D. QUARANTINE

In addition to the activities mentioned above, there has been established at the workhouse an extensive quarantine area designated by the municipal board of health, where women infected with venereal diseases are taken by the police for examination, and if found infected are placed in quarantine until cured. The procedure in handling these cases has worked infinitely better than the old practice of taking these women into court, for the reason that in general the municipal judges give the most trivial sentences for this offense, and repeaters were frequent. When it was found that no satisfactory results in these matters could be secured through the courts, the state health law was invoked, and a quarantine procedure was set up with tremendous benefit to the public health and an equal benefit in checking and reducing the evil of flagrant solicitation on the streets.

A similar institution has recently been established for men at the workhouse, and is operating with equal success. The extent of this evil as found by examination of workhouse inmates is perfectly appalling, running to between 50 and 75 per cent of those admitted. The state law allows the quarantine of men with these diseases as well as of women. As yet this authority is being exercised only to a limited extent, but with much benefit to the public health.

ADMINISTRATIVE ORGANIZATION

The operation of the city workhouse is under the director of service through a bureau known as the bureau of city work and workhouse. This arrangement was made because of the necessity of unified control over all the operations at the workhouse considered as an industrial institution, so that the superintendent of the workhouse becomes the general manager of Cincinnati's Industrial Institution operated by prison labor under the supervision of expert employees. He has an adequate force of uniformed guards, of technicians for the operation of all industrial establishments, and for their feeding, housing, recreation and general welfare.

When the workhouse was reëstablished, many of the civic organizations interested in welfare matters were quite insistent that it be operated by the welfare department of the city. This I opposed, for the reason that more efficient operation would be secured under the director of service. The welfare department has been assigned full charge of all welfare activities connected with the prisoners and their families with such matters as educational work, recreation, health, relief, placement and follow-up after discharge, and the contacts with and general attention to the requirements of the families of the prisoners while they are incarcerated. So successful has this joint operation been in leaving the welfare department free from administrative matters, to devote their entire attention to the real welfare problems of the prisoners and their families, that the director of welfare now is enthusiastic for the present method. The welfare problems of a city are so extensive that it is impossible for the department to operate adequately all these activities and at the same time be responsible for the large plant at the workhouse.

WELFARE CLOSELY WATCHED

Welfare organizers operating directly under the welfare department are maintained constantly at the workhouse, and keep a constant supervision over the classification of prisoners, the labor on which they are employed, and the educational and relief work appropriate to the prisoners. All prisoners are given an opportunity to take educational work. Lectures on health and hygiene, technical subjects, and general talks on citizenship are given. Certain periods are set aside for minor educational work, as most of the prisoners have an exceedingly limited fundamental education. The educational work also includes usual and comprehensive instruction in many of the trades such as automobile mechanics, repair men, painting, sign makers, vulcanizers, tire repairers, machinists, and other trades of importance to men in industrial communities. All prisoners whose behavior is good are allowed a certain recreation period every day in the courtyard of the workhouse, which is a large, open, shady area, attractive, and free from any trace of prison atmosphere.

When the workhouse was reëstablished, those interested in welfare matters were also insistent that it should be reëstablished far out in the country as a work farm. This I opposed, for the reason that a farm is not a satisfactory place to give inmates a steady, useful employment throughout the year. During the winter months there is very little activity on a farm, and detention inside the buildings without adequate employment could only result in a lowering of morale and the deterioration of the inmates. It was my theory, which has been more than confirmed by practice, that prisoners today are generally city men, and must be better trained to earn their livelihood in urban industrial methods rather than trained in farming methods which none of them will utilize after they are released. This theory has worked out splendidly, and every one agrees that not a man leaves the workhouse who is not better prepared to carry on his duties of citizenship. The work farm is fine in theory, but does not, in my opinion, fit into the conditions of modern urban life. What men want to know, and what they should be taught, is how to compete successfully with their associates in industrial establishments in their own city, particularly, and in others of similar type.

VOTERS TURN THUMBS DOWN ON PITTSBURGH'S METROPOLITAN CHARTER

BY MARTIN L. FAUST

University of Pittsburgh

Although a majority of the voters of Allegheny County approved the charter after emasculation by the state legislature, it did not receive the necessary two-thirds vote in a majority of the municipal units. ::

ON Tuesday, June 25, the voters of Allegheny County, Pennsylvania, voted on the adoption of the metropolitan charter recently enacted and submitted by the Pennsylvania legislature. The charter, in accordance with the terms of the constitutional amendment under which it was submitted, was not to go into effect unless approved by a majority vote in the entire county and a two-thirds vote in a majority of the 122 municipal subdivisions. While the charter received a majority vote in its favor of approximately 48,000 votes in the entire county, it received a two-thirds vote in its favor in only 47 municipalities. As a result of this election, the Pittsburgh metropolitan plan for a federated city will not be put into operation possibly for some years to come.

A further analysis of the vote may be of interest. In the first place, the vote on the charter was exceedingly light. While Allegheny county polled approximately 380,000 votes in the presidential election last November, the special election on the charter brought out only 132,000 voters. In Pittsburgh, with a registration of approximately 183,000, only about 56,000 participated in the charter election. Another interesting contrast is the vote of 132,000 on the charter as against the vote of 213,000 cast last November in Allegheny County on the constitutional amendment provision which authorized the submission of the charter. The Pittsburgh vote was 8 to 1 in favor of the charter. But in the three third-class cities (McKeesport, Duquesne, Clairton), the vote was heavily against the charter. In McKeesport, the largest municipality next to Pittsburgh, with a population of about 52,000, the vote was 12 to 1 against the charter. In the minor municipal subdivisions the vote was more evenly divided. Of the 65 boroughs, 32 gave a two-thirds vote. Of the 33 that failed to support the charter with a two-thirds vote, 18 gave a majority in its favor. Thus 50 of the 65 boroughs actually polled a majority vote in favor of the charter. Of the 53 townships, only 14 reported a two-thirds vote in favor of the charter. But here again, of the 39 that failed to give a two-thirds vote, 17 gave a majority, so that 31 of the 53 townships supported the charter with a majority vote.

The original constitutional amendment provision when submitted to the legislature by the Metropolitan Plan Commission in 1926 contained the clause that the charter to go into effect must receive a majority vote in the county and a majority vote in two-thirds of the municipalities. But when this clause emerged from the legislature, the latter part was changed to read a two-thirds vote in a majority of the municipalities. This alteration has never been satisfactorily explained. It has been attributed to an error on the part of a legislative clerk, although it has also been stated that the change was made at the instance of the leader of the opposition without the other legislators being aware of the alteration until after it was too late. At all events, the two-thirds vote provision was fatal to the success of the charter, and it will be very difficult to secure the acceptance of any charter as long as this hurdle remains in the constitution.

WHAT CHARTER WOULD HAVE DONE

While the charter submitted by the legislature undoubtedly opened the way for a constructive solution of some of the problems of metropolitan Pittsburgh, in reality it contained very few provisions that would have resulted in any immediate and substantial improvements in the governmental arrangements of the Pittsburgh area. In substance, the charter created a metropolitan government to be known as the City of Pittsburgh which was to take the place of the existing county government. In addition to the powers of the county government, the metropolitan government was granted the following powers: power to designate and maintain through-traffic streets; power to exercise planning and zoning powers except where in conflict with ordinances of municipal divisions; power to create special tax districts to finance improvements for the exclusive benefit of such districts; power to levy special assessments upon abutting and non-abutting property materially benefited by a public improvement; power to make and enforce public health regulations; and, finally, power to create a metropolitan police department. The charter also substituted a board of seven commissioners for the existing board of three commissioners.

In accordance with the terms of the amendment, the charter authorized the continuance within the metropolitan government of all the cities, boroughs, and townships with their present names, boundaries, and governments, and with complete power over all matters of local interest. Possibly the strongest argument in favor of the charter was the fact that under the terms of the constitutional provision, the amendment of a charter can be accomplished by an act of the legislature with subsequent ratification by a majority vote. Amendments reducing the powers of the municipal divisions must be ratified by a majority of the electors voting thereon in each of a majority of the divisions. In view, therefore, of the difficulty involved in securing original adoption and the comparative ease of subsequent amendment, many felt that however disappointing the contents of the charter might be, the important thing was to get some sort of a charter passed, since the constructive reforms would have much better chance of adoption later on if added as amendments to the original charter.

A POLITICIANS' CHARTER

The charter voted on at the special election was the politicians' charter. The original draft of the commission's charter presented to the legislature did strike at some of the serious abuses and glaring inconsistencies inherent in the present governmental arrangements. This original draft, which was actually introduced in the legislature, reorganized completely the antiquated and dilapidated system of justices of the peace and aldermen, substituting in its place a minor court system administered by appointive justices under the supervision of the county court; it eliminated the expensive and absurd system of duplicate assessment of real estate in Pittsburgh; it incorporated provisions that would have assured a modern assessment office and the application of scientific methods in assessment procedure; it abolished the poor board and consolidated the welfare agencies of the city and county under one department of public welfare; it set up a department of personnel that was to certify to the fitness of the public employees; it made mandatory an independent audit of the metropolitan government by a recognized firm of public accountants at least once every four years; it established a department of research that was to give continuous study to the governmental problems of the region.

As soon as the city and county politicians scanned these provisions, they dispatched their henchmen to Harrisburg to secure their elimination. Without the slightest difficulty, the charter was completely emasculated to conform to the desires of the politicians, with the result that every one of the above provisions and a number of others were entirely excluded. The politicians of course saw to it that the plan of the commission's charter to give the name of the City of Pittsburgh to the entire county was carried over into the amended charter, since this would entirely satisfy the Chamber of Commerce and the powerful industrial leaders whose sole interest in the metropolitan plan all along has been an increased census rating for Pittsburgh.

But the really disgusting part of the whole procedure was the fact that neither the commission nor any Pittsburgh civic body offered the slightest whimper in opposition to the politicians' treatment of the charter. The president of the Allegheny County Bar Association in a public statement denounced the commission's recommendations on the reorganization of the minor courts, although these provisions had been enthusiastically endorsed by such eminent authorities as Reginald Heber Smith and Roscoe Pound. The *Pittsburgh Press*, the local Scripps-Howard paper, damned the commission's charter with faint praise and was one of the first to climb on the band wagon to support the charter of the politicians.

THE CAMPAIGN A LOVE FEAST

The charter campaign turned out to be a glorious love feast. The charter commission, the Republican machine, the Democratic machine, the Chamber of Commerce, the Boards of Trade, the League of Women Voters, and all the civic bodies worked hand in hand to put over the charter. The center of the opposition was in the third-class cities, where the charter was denounced as a super-government. The campaign in reality degenerated into a campaign to make Pittsburgh the fourth city. If Pittsburgh could only get its proper census rating, new industries would flock to Pittsburgh, the workingman would be prosperous, government would be efficient, the suburbanites could register in hotels as residents of Pittsburgh, and blessings innumerable would flow to the people of the district. Typical of the campaign ballyhoo is the following extract from the keynote speech delivered before a general mass meeting of the civic bodies by the Hon. James Francis Burke:

> Make your great city a reality and tomorrow Uncle Sam's official records, the geographies in every American school, and the official bulletins of the governments of the world will be contributing millions of dollars of free advertising of the fourth city in all America.

And the following by the Chamber of Commerce press agent is another sample:

> If the metropolitan charter goes through as handily on Tuesday as it ought to, the newspapers in this country and Europe will quit calling us "Pittsburgh, Pa.," and will call us

"Pittsburgh, U. S. A.," or simply "Pittsburgh, Earth."

CENSUS HOKUM NOT EFFECTIVE WITH VOTERS

The light vote at the charter election was at least evidence that the citizens were not carried away by this census hokum. What the future policy of the commission will be has not been divulged at this writing. The legislature of this year continued the commission for two more years. It can submit the same charter or a new charter at any special or general election. A new charter would have to be approved by the legislature before submission, but there seems to be some difference of opinion among attorneys whether the same charter could be resubmitted without legislative authorization each time, since the amendment is not clear on this point.

Undoubtedly charters will be submitted from time to time. Meanwhile the Pittsburgh District will continue satisfied with its dilapidated and antiquated mechanism of government. Since there is neither the temper nor the disposition among those in high places to disturb seriously the *status quo*, it is very unlikely that any charter of the near future will embody those changes obviously imperative to organize the metropolitan government, which is to succeed to the county government, along modern and thoroughly scientific lines.

RECENT BOOKS REVIEWED

POLITICS AND CRIMINAL PROSECUTION. By Raymond Moley. New York: Minton, Balch and Co., 1929. Pp. xii, 241.

This book, together with Edward D. Sullivan's *Rattling the Cup on Chicago Crime* (New York: The Vanguard Press, 1929) should be read by all intelligent laymen who desire a short course on the breakdown of the administration of our criminal law. Professor Moley brings out little that has not already been presented in such reports as *Criminal Justice in Cleveland, The Missouri Crime Survey* and the reports and bulletins of the Chicago Crime Commission, and the Crime Commission of New York State; but the leading part he has taken in some of these studies has equipped him to do an excellent job of extracting the meat from such technical sources for lay consumption. The title of his book is misleading; little material is presented on the actual interrelation between political influences and law enforcement. What the book rather shows is how our system of criminal prosecution is organized to open a wide door to political interference at almost every point.

The detection and arrest of criminals, and the whole subject of police efficiency, lie outside the field which Professor Moley has marked out for his study,—he is concerned primarily with what happens after arrest. Why arrests result from only one out of five of the more serious crimes committed is, therefore, not discussed; attention is focused on the problem of why only one arrest out of six results in punishment. In this part of the story the central place is held by the prosecuting attorney; the whole book is a running commentary on the key position of the prosecutor in determining the quality and character of our law enforcement.

The responsibility of the prosecutor is due to the part which he plays in the preliminary hearing of persons charged with crime, to his control over the action of the grand jury, to his power to "nolle-pros" or refrain from prosecution, and finally to his power to "bargain for pleas" of guilty by reducing the gravity of the offence charged, or by agreeing to support a request for a light sentence or parole. Professor Moley's statistics show that in New York, Chicago, and other large cities about half of the felony prosecutions fail at the stage of preliminary hearing. Of those which survive, about a fourth fail in the grand jury. In some places, including Chicago and Minneapolis, as high a percentage as another fourth have often been terminated by the *nolle prosequi*. Thus of all prosecutions instituted, hardly a fourth come to trial. At the trial stage, the practice of "bargaining for pleas," on which Professor Moley presents some highly significant new material, becomes of great importance. Of actual convictions in many of our large cities, including New York and Chicago, almost ninety per cent result from pleas of guilty, rather than from the verdict of a trial-jury. In New York City these pleas result in five instances out of six in reducing the offence charged to one of inferior gravity carrying a lighter penalty. For the purpose of building up a good record of convictions "assistant district attorneys often approach the defendant in the spirit of a market-place."

What equipment and fitness has the prosecutor to sustain ably and efficiently the great responsibility which our system places upon him? In the rural districts Professor Moley finds that he is generally a young lawyer who has been at the bar five years or less, who has no police, detective, clerical, or medical force to aid him, and who is paid either by the fee system or a small salary of a few thousand dollars a year. The office is distinctly a preliminary "hurdle" for higher political preferment. In the larger cities prosecuting attorneys often have a numerous staff of assistants, but the salaries paid to these assistants are very low, the quality of the men is inferior, and, above all, the appointments are controlled as political patronage. The activities of the office are, therefore, generally subservient to the purposes of machine politicians upon whom the organized criminal underworld can exert direct pressure through their ability to marshal votes and contribute funds. "Insidious relationships exist between shady characters and public officials because votes and party funds are involved . . . the motif in the present order is, we believe, political."

Professor Moley has no panacea to effect a cure for an evil situation. The suggestions which he offers are in the direction of centralizing the prosecuting function in state rather than county officers, and thus counteracting the effect of local influences. In the cities prosecution for less serious offences might advantageously be left to the police, thus releasing the state prosecutor for greater attention to more important crimes. The vigilance of private associations, such as crime commissions and credit organizations, in stimulating and pressing prosecutions in their respective fields of interest is bound to be a permanent and necessary factor in maintaining the efficiency of prosecuting machinery.

John Dickinson.

Princeton University.

◆

Outdoor Recreation Legislation and Its Effectiveness. By Andrew G. Truxal, Ph.D. Columbia Studies in History, Economics and Public Law, No. 311. New York: Columbia University Press. 1929. Pp. 218.

There are two rather sharply divided parts to this study. The first is an analysis of municipal, state and federal laws that relate to outdoor phases of public recreation. The chapter dealing with state and local legislative provisions is probably of the most immediate practical interest, discussing the effect of "home rule," the set-up of the various city recreation systems and the adequacy of existing laws. Legislation passed by the state and national governments concerns primarily parks and forest areas. The recent and rapid expansion of state park systems has been due in part to popular demand for such areas for recreational and tourist purposes. The author calls attention to the present almost complete lack of coördination in the conduct of public recreation by the various governmental units. In addition to this analysis, two other chapters consider the effect of city planning and zoning laws and rules on municipal recreation, and the liabilities of cities for playground injuries.

The second part summarizes the results of a survey of the relationship between juvenile delinquency and the adequacy of play spaces in the Borough of Manhattan. Only a very moderate correlation was found, showing the importance of other social factors affecting the amount of juvenile delinquency. Both studies are well organized, clearly written, carefully made and of considerable value to students of recreation. The value of the legislative analyses would have been increased if more criticisms and conclusions had accompanied the excellent statement of facts. The importance of the juvenile delinquency study lies not so much in the conclusions reached as in the methods employed and in the portrayal of the difficulties involved in making such a survey.

Randolph O. Huus.

Western Reserve University.

◆

Central Park as a Work of Art and as a Great Municipal Enterprise. Volume II on *Forty Years of Landscape Architecture*—Frederick Law Olmsted, Sr., edited by Frederick Law Olmsted, Jr., and Theodora Kimball. New York: Putnam, 1928. Pp. 575.

"Central Park" furnishes the title and theme of the second volume of the Life and Papers of Frederick Law Olmsted, Sr., edited by his son, Frederick Law Olmsted, Jr., and Theodora Kimball, under the comprehensive title, "Forty Years of Landscape Architecture." Volume I comprises brief notes on the life of Frederick Law Olmsted, Sr., with selections from his early letters and writings. The volume on Central Park covers a span of forty-two years, from 1853 to 1895. Part I of the Central Park volume presents two hundred pages of absorbing interest, not only to those who know and love Central Park and all it means in the hurly-burly of modern New York, but to those who are struggling to bring into other nerve-racking cities the mental poise, the physical recreation and the spiritual calm which may be drawn from the enjoyment of natural landscape.

In response to the agitation of William Cullen Bryant, Andrew Jackson Downing and others, the Central Park project was authorized by the state of New York in 1851. Actual taking of land began in 1853 and continued to 1856. In 1857 a board of eleven commissioners was created to supersede the temporary government of the park, and in that year Frederick Law Olmsted became superintendent of the park.

One of the first acts of the board of commissioners was to offer prizes for the best designs for laying out the grounds of Central Park. Frederick Law Olmsted and Calvert Vaux won the first prize from the thirty-five sets of drawings submitted to the board, and they subsequently became the chief landscape architects of Central Park. Their drawings with the accompanying explanations served Mr. Hermann Merkel in his 1927 Report to the Commissioners of Parks in the Borough of Manhattan as a basis for his recommended rehabilitation.

The descriptive report accompanying the design of Olmsted and Vaux presents a conception of a park, its object, its uses and the reason for a Central Park design. The park, which was conceived throughout as a single work of art, was pictured as the center of an area which would in the years to come be occupied by buildings and paved streets. For millions of persons this park would offer the principal and perhaps the only contact with country conditions.

The story of how the park was actually constructed, of the obstacles to its realization, of the interruptions of the Civil War, of the discharge of Olmsted and Vaux as chief landscape architects and the damaging alterations ordered by the Tweed Ring, of the temporary rehabilitation 1871–73, of the harassing years of 1873–74 and the "spoils of the park" which Mr. Olmsted pointed out in a statement made in 1882, lead the reader to see how the park plan proceeded in spite of politics and shortsighted or blind officials.

The book is at once a guide in the art of park design and construction, an analysis of park administration, and a history which should encourage and stimulate those of our day who are fighting the battle for adequate, well-designed parks.

Part II presents the detailed papers of Olmsted and Vaux and offers an invaluable text for the study of landscape architects, park designers and park commissioners.

The editors are to be congratulated for having put in permanent accessible form the Olmsted papers relating to Central Park.

HARLEAN JAMES.

Executive Secretary,
American Civic Association.

*

THE SCHOOL AND LOCAL GOVERNMENT PROBLEM OF OHIO. By the Research Department of the Ohio Chamber of Commerce. Pp. 111, mimeographed.

This report deals with the reorganization of the machinery of local government in Ohio as applied to counties, townships, and school districts. Chief attention, however, is given to rural school organization. The report presents several interesting and significant tables showing the variation in pupil-teacher ratio and per pupil cost in Ohio elementary schools and high schools of different sizes. It clearly demonstrates the increase in class size and the decline in operating costs per pupil as the average daily attendance in the district rises. On the bases of economy and the educational advantages of the large school unit, the study urges the consolidation of schools and the substitution of the county for the existing school district organization. The report contains much useful ammunition for the hard campaign which must be waged before the county school unit will become a fact in Ohio.

The latter part of the report discusses the reorganization of county and township government. It adopts the position of the Joint Legislative Committee on Economy and Taxation, which recommended in 1927 the abolition of the township and the passage of a constitutional amendment permitting a thorough reorganization of the county. Special emphasis is placed upon the possibilities of the manager plan as applied to county government. In this field even more than in that of school organization a heavy and prolonged bombardment will be required before the old order will give way. In turning its guns upon the problem, the Chamber is rendering a very real service.

R. C. ATKINSON.

The Ohio Institute.

*

STATE GOVERNMENT. By Walter F. Dodd. Second edition. New York: the Century Company, 1928. Pp. 604.

A text on American state government is full of perplexities. Not only must it assimilate and systematize a great variety of historical, legal and technical knowledge involving an amazing number of more or less unrelated political units, but it must meet the diverse requirements of class use by being readable, of ready reference by being comprehensive, and of research guide by being well documented.

Compared to the first edition (Century, 1922), Professor Dodd's book is much the same in length, emphasis and general treatment. It has, however, been thoroughly rewritten, rearranged and bibliographically revised.

When a book is as well done as this, criticism is likely to depend upon fundamental attitudes and proportions rather than on smaller matters of fact and technique. To say that the first few chapters appear somewhat overbalanced is merely to indicate an opinion that colonial antecedents and precedents of an historical and theoretical nature are as important as the more formal legal and descriptive materials that receive most of the systematic treatment. The discussion of administrative matters may seem unduly scattered. Whatever the difficulties of a functional presentation of governmental processes, administration, because of the similarity of its problems and its widely diffused services throughout all political areas, offers opportunity for effective, unified treatment. A chapter of nineteen pages on the conduct of elections would impress some as insufficient attention to the only public process that most students will ever perform, and one of such significance in applied democracy; and while two subsequent chapters deal with electoral questions, there is almost as much space given to the initiative, referendum and recall as to the whole field of party government.

But these are matters of emphasis and arrangement upon which students would disagree. The book is a superior one. It includes an astonishing number of topics significantly presented; and it offers thoroughly revised and extended bibliographical information that in itself sets a higher standard of usefulness.

John F. Sly.

Harvard University.

*

Report upon a Ten-Year Capital Improvement Program for Wayne County as Recommended by the Board of Wayne County Auditors. Detroit, Michigan, 1928. Pp. 48.

This report in revised form is a resubmission of recommendations presented in 1927 to the board of supervisors of Wayne County. In the preparation of the report, the board of county auditors worked in conjunction with the Detroit Bureau of Governmental Research and the governmental committee of the Detroit Board of Commerce.

The first section of the report presents a summary statement relative to the nature and extent of the functions performed by Wayne County, with particular emphasis upon the growth of its welfare activities, their cost, and the manner in which they are financed. The improvement program outlined calls for additional capital facilities for Wayne County's several institutions which will amount to approximately $6,972,000. While Wayne County is in a very fortunate position with respect to its bonded indebtedness, the financing program recommended by the board of county auditors provides for the "pay-as-you-go" plan to finance the proposed improvements. An act of the Michigan state legislature passed in 1926 provides that the board of supervisors is authorized to levy a tax of not to exceed two mills on the assessed valuation of the county each year for a period of not to exceed ten years, for the purpose of creating a sinking fund to be used for the purchase of real estate for sites or for the construction or repair of public buildings, provided that the proposition of levying such a tax shall be submitted to the electors of the county and approved by a majority of those voting thereon. It is the belief of the board of auditors that this law offers "a satisfactory and highly efficient solution" to the problem of financing the needed capital improvements.

The board recommends that the sinking fund feature be eliminated from the "pay-as-you-go" program. It is estimated in the report that the capital improvements amounting to approximately $7,000,000 could be financed by an average annual tax rate not to exceed 25 cents per thousand dollars on the entire taxable property of the county. It is proposed that no amount be raised in any one year during this ten-year period which would be in excess of actual budgeted requirements. The report also outlines a program of construction which could be carried out gradually throughout the ten-year period, and in accordance with the availability of the funds. The report concludes with the specific recommendation that the question of granting authority to the board of supervisors to levy a tax of not to exceed one-fourth of one mill yearly for a ten-year period be submitted to the electorate of Wayne County at the November election. Detailed and itemized statements and exhibits are included to substantiate the recommendations and conclusions of the board.

Martin L. Faust.

*

MUNICIPAL REPORTS

Austin, Texas. *Report of the City Manager, Adam R. Johnson, for the Year 1928.* 90 pp.

The report marks a distinct advance over last year's issue. The most important improvement is in length, which is reduced more than half. The reviewer is hoping for a continuation of this policy for one more year at least. The report is attractive, printed on good quality paper, and is quite well illustrated. It still lacks some essentials of good reporting, however. For example, it has no organization chart, and the space allotted to financial tables and statistics is out of all proportion to the other subject matter; in fact, more than one-third of the report is devoted to financial tables. A résumé of accomplishments at the beginning of the report is highly commendable and, on the whole, not many municipal reports can show an equal improvement in successive issues.

Brunswick, Georgia. *Annual Report for the Year 1928. E. C. Garvin, City Manager.* 63 pp.

Here is another report that shows a decided improvement over the previous issue, and when it is recalled that the Brunswick report ranked sixth among the seventeen rated last year, this becomes quite a compliment. This issue will rank high among this year's reports. The illustrative material is excellent; in fact, the charts are of such a high order that the reviewer predicts they will remain a mark for other report writers to aim at for several years. The written text is reduced to a minimum—one can read every word in the report in twenty minutes. The inquirer can find lots of information in the charts, however, and while some are a bit complicated for the uninitiated, on the whole they are clear and to the point. Looking through the pages of this report will convince one that graphs and charts often can record municipal undertakings much more effectively than can the printed word.

Two Rivers, Wisconsin. *Third Annual Report, Fiscal Year Ending December 31, 1928. E. J. Donnelly, City Manager.* 48 pp.

For a clear and concise record of the activities of a small city this report, in the opinion of the reviewer, comes as near as any similar report reviewed in these columns in the last three years. It is attractively bound in light green, with a scene in one of the city parks on the front cover. The report contains an organization chart, table of contents, a summary of accomplishments and recommendations for the future, a well-balanced content, and, above all, it contains less than fifty pages. With a few reservations, many small towns and cities would do well to follow the general features of this excellent report.

Clarence E. Ridley.

REPORTS AND PAMPHLETS RECEIVED

EDITED BY E. A. CRANDALL

Public Opportunities and Facilities for Leisure Time Recreation, Amusement and Instruction in American Cities.—By Frederick Rex, Librarian, Municipal Reference Library, Chicago, January, 1926. 114 pp. (Mimeographed.) A survey made at the request of the mayor of Chicago. There has been such a great demand for copies of this report that it has recently been put in its present form and made available for distribution. The publication gives the situation in Chicago and in other large American cities.

*

Building Code and Plumbing Code Tabulation.—Prepared by the Division of Building and Housing, United States Department of Commerce, April, 1929. 60 pp. (Mimeographed.) A tabulation regarding building and plumbing codes now in use in cities with a population of over 5,000 according to the 1920 census. Of 858 municipalities, 159 have building codes that are ten years or more old, and 137 cities of the 840 reporting have plumbing codes at least ten years old. Amendments have often been enacted, however, to make the codes more up-to-date.

*

An Analysis of the Generation and Distribution of Electric Power in Minnesota.—By the League of Minnesota Municipalities, June 5, 1929. 10 pp. Tables giving the sources of electric power for 912 cities in Minnesota, preceded by a summary analysis of the results brought out by the facts presented in the tables.

A Second Report on Waste Disposal by Incineration.—By the Detroit Bureau of Governmental Research, May, 1929. 53 pp. (Mimeographed.) A report prepared for the commissioner of public works of Detroit. The first report was submitted in January, 1928. This second report repeats many of the facts given in the first, supplementing that information with additional facts that have been collected for the intervening period.

*

Salaries of Village Officials in Wisconsin, 1929.—By Lorna L. Lewis, Municipal Information Bureau, University of Wisconsin, June, 1929. 17 pp. (Mimeographed.) An annual compilation giving the salaries for the year 1929–30. Of the 354 villages receiving the questionnaire, replies were received from 349.

*

The Joint Bond Program, County, School District and City of Cincinnati, Annual Financial Analysis, 1929.—By the Cincinnati Bureau of Governmental Research, May, 1929. 22 pp. (Mimeographed.) The third report carrying the plan of programming bond expenditures in Cincinnati. It has been found to be a very useful aid to sound financing and "productive of a better technique and a more definite procedure."

*

County Management. A Review of Developing Plans of County Administration in Virginia and North Carolina.—By Wylie Kilpatrick. 46 pp. The fundamental purpose of the report is to inform the citizens of Virginia, but it will also be of interest to all those concerned either directly or indirectly with county management.

*

Proposed Manual of Legislative Procedure for the City of Cincinnati.—By C. O. Rose, John D. Ellis and John B. Blandford, May, 1929. 44 pp. (Mimeographed.) A supplement of report number 14 of the Cincinnati Bureau of Governmental Research. The report is a compilation of legal requirements for legislative procedure in Cincinnati based upon the general code and the city charter.

*

Zoning, A Statement of Principles and Procedure.—By the Civic Development Department of the Chamber of Commerce of the United States, June, 1929. 26 pp. A discussion of the procedure in zoning a community. Questions arising when an attempt is made to put zoning ideas into practice are here answered in clear and concise form.

*

An Inventory of Health Services in New York City.—By Michael M. Davis and Mary C. Jarrett, conducted by the Research Bureau of the Welfare Council of New York City, June 12, 1929. 82 pp. (Mimeographed.) Three types of services are covered in the report: (1) clinics, (2) home visiting, and (3) health education. A section of the report is devoted to these three services in each of the thirteen divisions of health services in general. There are found to be 300 agencies giving organized health service in New York City, of which the health department is one.

*

Our Zoo and Information Concerning Zoos of Other Cities.—By Howard M. Wilson, Manager, Civic Affairs Department of the Cincinnati Chamber of Commerce, May, 1929. 24 pp. (Mimeographed.) A report based on questionnaires sent to all cities in the United States with a population of 100,000 or more. The financing of zoos in various cities is discussed at the beginning of the report. A detailed description of the Cincinnati zoo follows. Finally, outstanding facts about zoos in other cities are tabulated by city.

*

London Statistics, 1926–27.—By the London County Council, 1928. 476 pp. Annual statistics of the administrative county of London and of its public services with certain statistics of adjacent districts. In some tables, information for a year later than 1926–27 is given.

*

Public Cleansing.—Extracts from the Annual Report of the Ministry of Health for 1927–28, London, 1928. 23 pp. Information on the collection and disposal of refuse and on street cleaning. The extract includes tables on municipal refuse giving, among other facts, unit costs, method of collection, and method of disposal. It also gives in similar tables details for street cleaning on net expenditures, unit costs, and mileage of streets cleansed.

GOVERNMENTAL RESEARCH ASSOCIATION NOTES

EDITED BY RUSSELL FORBES

Secretary

Recent Reports of Research Agencies.—The following reports have been received at the central library of the Association since June 1, 1929:

Cincinnati Bureau of Governmental Research:
- *Proposed Manual of Legislative Procedure for the City of Cincinnati.*
- *The Joint Bond Program, County-School District, City of Cincinnati.*

Detroit Bureau of Governmental Research, Inc.
- *A Second Report on Waste Disposal by Incineration.*

Bureau of Budget and Efficiency, Los Angeles:
- *Proposed Budget for the Fiscal Year Beginning July* 1, 1929—*Ending June* 30, 1930.

Westchester County Research Bureau:
- *The Bonded County Debt Situation in Westchester County.*

*

California Taxpayers' Association.—Rolland A. Vandegrift, for the past three years director of research of the Association, on July 1 assumed his duties as secretary. This promotion has come to Mr. Vandegrift after many years of service in the research field. Mr. Harold A. Stone of Syracuse University, for the past year chief engineer of the Association, succeeds Mr. Vandegrift as director of research.

The Association has just completed a survey of the economic policies and administrative practices of the Pasadena hospital, a private institution. As a result of the recommendations made by the survey, a reorganization of the hospital has been completed, with an annual saving of approximately $140,000 in its operating costs.

The research department recently completed a study and analysis of the Los Angeles city budget for the Los Angeles city committee. As a result of this study the following recommendations are now being considered by the Los Angeles city council:

1. That all departments be required, as is provided in the city charter, to keep within the percentage of increase indicated by population increase.
2. That no department be allowed any increase unless the reason therefor be apparent.
3. That all budget allowances be reduced to their lowest practical minimum and that an amount equal to a portion of such reductions be added to and carried in the unappropriated reserve under the control and direction of the council for use in extending any such appropriation that might prove, under proper expenditure, to have been too far reduced.
4. That the amount of $700,000 for the redemption and interest of general water bonds be eliminated from the budget, in accordance with the provisions of the city charter and the published pronouncement of the public service department.
5. That an amount of at least $2,000,000 be transferred from the reserve fund to meet budgetary requirements and that the amount to be raised from taxes be reduced by the same sum.
6. That provision be made in this budget for the auditing by public accountants of the records and accounts of the city which have not been so audited in the past. The cost of this audit can be met from the unappropriated balance without increasing the total budget.
7. That the amount to be raised in taxes be reduced.

If the city council adopts these recommendations it will mean a 13½ cent reduction in the Los Angeles city tax rate.

A proposed ten-year road improvement program for the fifth district of Santa Barbara County has been completed. This road district has been on the "pay-as-you-go" basis and the proposed program will continue in the same way. The improvement program will act as a basis for the district's road budget in each of the ten years covered by the survey. The program has been planned with a view of protecting the district's present investment in highways and also of gradually improving facilities to meet the demands of the traveling public. Very few items are included in the program which are not strictly capital outlay expenditures. The survey contains maps of the entire road system and a complete plotting out of the improvements for the next ten years.

The research department has completed a study of the Glendale city budget. Before presenting the budget to the research department for study, the city council of Glendale reduced the budget by $48,269. The study by the Association reveals that the Glendale city accounts do not show free balances. The recommendation was made to the Glendale city council that the free balances be determined and an endeavor made to use a part of the balance toward reducing the revenue necessary to be raised from taxes. A recommendation was also made that the city manager annually publish a report showing the activities of the various city departments and the costs of running these departments.

✤

Citizens' Research Institute of Canada.—The director of the Institute is at present engaged on a survey of the Hamilton, Ontario, hospital situation, in conjunction with Dr. Haywood of Montreal, Quebec, and Dr. Walsh of Chicago.

A study has been made of the percentage of current tax levy collected in the larger Canadian cities in 1928 as compared with 1927. This study indicates considerable improvement, particularly in the western cities. In Ontario, thirteen cities showed improvement while nine had increased arrears. In Quebec and eastern cities improvement was shown except in two instances.

✤

Des Moines Bureau of Municipal Research.—A report on the care of the indigent poor in quarantine was made recently by the Des Moines Bureau of Municipal Research at the request of the city health department. Under the statutes the city is obliged to furnish provisions and fuel to indigent poor in quarantine. Investigation showed that there was a marked tendency among some families who really have means to take advantage of this privilege and obtain food at public expense.

Among the recommendations made by the Bureau and adopted by the health department was a detailed form of application for public relief in which the applicant must give all information about the family's resources and sign a statement promising to reimburse the city for the food expense when he is able. A food budget for families of various sizes will be given to the family in quarantine, limiting their purchases to certain staple provisions. This will tend to prevent overstocking of supplies. Other minor changes in records were also suggested.

Several tables and open letters were prepared for taxing officials urging them to hold down 1930 tax levies which will be fixed in July and August.

✤

Civic Department, Chamber of Commerce, Kansas City, Missouri.—A street traffic survey has been launched by the City-Wide Traffic Committee, which represents a coöperative movement for the solution of the street traffic problem and is supported by public officials and the civic and business organizations of Kansas City, acting under the sponsorship of the chamber of commerce.

Dr. Miller McClintock, director of the Erskine Bureau for Street Traffic Research of Harvard University, has been engaged to direct the survey, and Theodore M. Matson, who spent four years on a similar project in San Francisco, has been engaged as chief engineer. The survey is expected to cost $25,000, and to require a year for completion.

✤

The Taxpayers' Association of New Mexico.—A compilation of all bonded indebtedness of the state and its local subdivisions has been almost completed by the Association. In this connection it may be interesting to note that under the law passed by the last legislature all bond issues must be retired serially, beginning not later than the third year. All bond issues are limited to twenty years, with the exception of public utility bonds which may run thirty years. Under the constitution of the state of New Mexico bonds may be issued only upon a favorable vote of the people and, except in the case of school bonds, only taxpayers may vote upon bond issues.

✤

Schenectady Bureau of Municipal Research, Inc.:

School space and condition survey. All of the elementary and intermediate schools of the city have been surveyed and the data gathered has been interpreted by the staff. This study involved an appraisal of the physical condition of each school plant and the measuring of each room in the school to determine the maximum legal capacity. Technical aspects of the report have been discussed with the superintendent of schools who stated that the survey would be of great value to the board of education in utilizing existing structures and in considering the desirability of erecting new buildings.

Civil service salary trends. The salaries for all posts in the classified service have been set down for an eleven-year period, together with the percentage of increase and the names of the present incumbents. This material will be turned over to the board of estimate and apportionment for its guidance in drawing up a job classification and salary standardization plan for the municipal civil service.

Long-term financial and improvement program.[1] So many requests have come from other cities for the long-term financial program study that it has been necessary to provide additional copies. In order to make the report available to private citizens the Bureau has requested the common council to provide funds for printing it in the form of an attractive volume. It is planned to make up about 2,000 copies, which will be placed in the hands of private citizens and interested individuals in other communities. In order to obtain some action on the program, the president of the Bureau has appointed a committee of four directors to formulate and carry out a plan which will put the recommendations into immediate effect.

Future bureau projects. The Bureau staff has been engaged for the past month in surveying a number of municipal activities with a view to taking up some one of them as a major study for the fall months.

*

St. Louis Bureau of Municipal Research.—St. Louis is now assured of a fair and sound retirement system for its policemen. A bill was recently signed by the governor creating a system and providing for its being placed in operation by October of this year. The plan was drawn by George B. Buck, consulting actuary, and is said to represent an outstanding piece of pension legislation. The actuarial plan was adopted after several attempts by the Board of Police Commissioners and policemen to secure a so-called cash disbursement plan had met with failure. After several years of almost continuous effort by the Bureau to secure consideration of the actuarial plan, the board of estimate and apportionment employed Mr. Buck to evaluate the cost of the system proposed and later to draft the actuarial plan.

A government for the St. Louis metropolitan region is again receiving consideration. The chamber of commerce of St. Louis City and St. Louis County have arranged to finance the cost of a survey and the preparation of a plan by Dr. Thomas H. Reed. The Bureau has been requested to collect all the financial statistics of the governmental units in the city and county area. It is expected that this work will be completed the latter part of this year and that it will form the basis for studies of the operations and functions of the county and the several municipal governments.

*

Bureau of Civic Affairs, Toledo Chamber of Commerce.—Fire losses in Toledo for the first six months of 1929 amounted to only $241,086 as compared to $492,741 for the same period in 1928. This remarkable reduction is due to a considerable extent to the continuous campaign being waged against fire by the fire prevention committee of the Bureau. The Toledo fire department is also entitled to a great deal of credit for its quick response to fires, in this way being able to extinguish them before they cause extensive damage. A chief inspector of the city's bureau of fire prevention has been appointed, which will further aid the campaign.

*

Toledo Commission of Publicity and Efficiency.—At the request of the director of public safety, statistics were gathered on the number of police in 37 cities of the United States ranging in size down to Dayton, Ohio, then tabulated with respect to ratio of police to population and the number of police per square mile. With regard to these cities, in the population range between Houston, Texas and Buffalo, New York, it was found that Toledo ranked tenth in the ratio of police to population and ninth in the number of police per square mile. The ratio of police to population ranged all the way from one policeman for every 339 people in New York to one policeman for every 1,372 people in Akron. The number of police per square mile varied likewise from 68.6 police per square mile in Jersey City to 2.79 in New Orleans.

Articles published by the commission in the Journal during the last month include a summary of the report of the division of fire during the last year which revealed a decrease in loss from 1927 and a decreased per capita cost of fire fighting. With the single exception of 1924 when it was $2.35 per capita, this is the lowest per capita loss in eleven years, $2.39.

---

[1] See the article by Mr. Baumes, in this issue, pp. 522-525.

An article of June 29 summarized some new laws passed by the Ohio legislature. Among other things, they provide amendments in the mode of procedure of acquiring land by the metropolitan park board, allow photographic recording of records and documents for county and state offices and amend the police and fire pension provision of the state law. The law amending police and fire pension provisions sets up pension boards representative of the council, and police or fire as the case may be, and provides for the selection of additional members of the new board by these two groups together. It also provides a tax levy, not to exceed three-tenths of a mill, to pay whatever pensions may be granted under existing state law.

*

Toronto Bureau of Municipal Research.—The Bureau has compiled and issued a concise 208-page reference book dealing with Toronto and its community life. This publication, entitled *Toronto at a Glance,* is being sold at 25 cents per copy, which is as near cost as possible.

In compiling this publication the Bureau was of the opinion that a great number of Toronto citizens did not realize the many benefits the city had to offer to its citizens, possible citizens, tourists, and industrial firms seeking good markets and excellent facilities for manufacture and distribution. The Bureau has been rewarded for the work entailed by the commendatory remarks contained in the numerous letters received. Many firms and individuals have ordered large quantities for distribution. Some orders have already been received from the United States.

Story No 3 on the 1929 budget of the city of Toronto was prepared and issued. This is based on an analysis of the budget according to "objects of expenditure" and shows that salaries and wages amounted to 51.63 per cent of the total expenditures compared with 51.7 per cent in the previous year. Capital outlay from current funds was $744,073 or 2.25 per cent of the total. Debt service (i.e. interest, sinking funds, etc.) amounted to 18.33 per cent of the total.

An open letter was drafted and issued to the mayor and city council pointing out the danger in delaying further appointments to the Toronto Transportation Commission. These positions have now been filled.

*

Utah Taxpayers' Association.—The Association recently submitted to the State Tax Revision Committee a statement of recommendations on the taxing systems of the state of Utah. This was done at the request of the committee.

The Association has been actively engaged in working with school boards in analysis of annual budgets. This has been accomplished through the local committee. Gradually the school people are becoming more and more inclined to accept the budget system. Their traditional independence in the expenditure of their money is now being replaced by the recognition on their part that they owe responsibility to those who are called upon to raise the funds.

NOTES AND EVENTS

EDITED BY H. W. DODDS

Chicago Sanitary District under Attack.—Four reports and one unsuccessful ouster action have been the net results to date of four investigations into the "insanitariness" of the Chicago Sanitary District under the régime of Timothy J. Crowe. Investigations have been made by the public law offices committee of the Chicago Bar Association, by two committees of the Illinois legislature and by the state's attorney of Cook County into alleged pay-roll padding, extravagance and mismanagement of public funds and the employment of legislators and other public officers.

Early in its current session each branch of the legislature named a committee of investigation. Each committee has reported so near the end of the session that no consideration of the reports has been possible. The house committee, without mentioning names, mildly chided legislators employed by the district. The senate committee, on the other hand, presented two diametrically opposed reports. Four members gave the trustees a clean bill of health and severely criticized assistant state's attorneys for failure to coöperate with the committee. The chairman, however, vigorously dissented and his minority report fully sustains the charges of mismanagement. His report charges that within a period of seven years more than eighteen million dollars was diverted from bond funds to corporate purposes, nearly sixteen million dollars of the amount being so appropriated after July 1, 1925, when such diversion was made specifically illegal.

A preliminary report published April 4 by the committee of the Chicago Bar Association sets forth fact-records of pay-roll padding, pay-roll irregularities and testimony that hundreds of jobs in the district were handed out as rewards for political service. This committee recommended several legal reforms, some of which were embodied in bills before the legislature, but none of which appears to have the prospect of passage at this session. The Bar is continuing its inquiry into the conduct of individual lawyers and undoubtedly disciplinary measures will be recommended against lawyers found guilty of unprofessional conduct.

Since early in the year the state's attorney of Cook County has been investigating the affairs of the district. A special grand jury heard evidence for one month—the legal limit of its term—and presented a batch of indictments. None of these, however, has as yet been brought to trial. The state's attorney is understood to be continuing his investigations, presumably to present the findings before a regular grand jury when the compilation of evidence is completed.

The state's attorney recently brought suit in a circuit court action to oust the hold-over trustees from office, basing the action on the failure of the trustees to file on time the annual accounting required by law. The trustees replied that they had been so occupied with hearings, etc., that they had been physically unable to comply with this particular provision of the law! Subsequently, the court held that the allegation was insufficient cause to grant the petition and cited numerous precedents to show justification for delay in filing official reports.

Edward M. Martin.

*

Progress under New York Housing Law.—The report of the New York state board of housing for 1928 reviews the projects which have been undertaken under the Housing Law of 1926, which extended special privileges to limited dividend companies desiring to provide satisfactory housing for persons of moderate means at maximum rentals prescribed by the law.[1] During 1927 one project was begun and completed. It was that of the Amalgamated Housing Corporation which is backed by the Amalgamated Clothing Workers. This year the same corporation is building an addition to the original enterprise. When completed the entire project will house 505 families in 2,000 rooms renting at $11 per room.

During 1928 two other projects were approved, one of which was completed last year and the other of which is now under construction. One is owned by the Farband Housing Corporation, sponsored by the Jewish National Workers' Alliance of America, and the other by the Brooklyn Garden Apartments, Inc., sponsored by a citizens' committee appointed by the Brooklyn Chamber of Commerce. Rentals range from $9 to $11.30 per room. In addition, preliminary plans for two more projects were before the board at the time of writing the annual report.

---

[1] For a description of the law see National Municipal Review, Vol. XV, p. 381.

According to the housing board, all the dwellings approved represent higher standards of construction and planning than are ordinarily applied to buildings of their class. By reducing land coverage and by improved architectural design, it has been possible to provide direct light and through ventilation for each apartment. All buildings are equipped with modern facilities, including steam heat, electric light, and hot and cold water. There is a bathroom for each apartment. Two of the houses contain automatic elevators.

With the completion of the buildings now under way, the total investment in new housing under the State Housing Law will exceed $5,000,000 and provide accommodation for more than one thousand families.

*

Priority Urged for 43 Major Projects in New York Region.—Of the 471 projects proposed by the Regional Plan of New York and Its Environs for completion within the next 35 years, 43 have been selected as deserving priority. The specific proposals urged as the immediate goal in the comprehensive reconstruction program are shown on the accompanying map. The key to the projects indicated on the map is as follows:

Ways of Communication

(1) Railroad connection between New Jersey and Brooklyn, including Narrows crossing; (2) Manhattan-New Jersey suburban transit loop, with connections to New York railroads; (3) Transit line between Newark and Paterson; (3a) Extension of Manhattan-New Jersey Loop to Brooklyn; (3b) Extension of Manhattan-New Jersey Loop from Jersey City to Staten Island; (4) Transit connection between Hackensack and Manhattan and The Bronx; (5) Straightening of the Hackensack River; 6) Tri-Borough Bridge; (7) Brooklyn-Queens crosstown highway; (8) Express highway between Hudson River Bridge and Hackensack; (9) Narrows highway crossing with connections to Elizabeth and Bayonne Bridges; (10) Route between Long Island City and Hackensack Meadows passing under midtown Manhattan and East and Hudson Rivers; (11) Crosstown route from Hudson River Bridge to Westchester Avenue, The Bronx; (12) Express highway from existing express highway in Newark to Hackensack; (13) Extension of waterfront highways around Manhattan; (14) Parkway and highway from Yonkers to New Rochelle; (15) Improved parkway and highway from Port Chester to Tarrytown; (16) Highway from Tri-Borough Bridge to Floral Park; (17) Parkway connecting with Nassau Boulevard and Grand Central Parkway in N. Y. C., extending to Half Hollow Hills with loop to Belmont Park and Southern State Parkway; (18) Saddle River Parkway; (19) Passaic River Parkway; (20) Upper Hackensack River Parkway; (21) Parkway from Hudson River Bridge along top of Palisades to Sparkill; (22) Extension of Hutchinson River Parkway to Bridgeport.

Land Uses

(A) East River Islands parks and playgrounds; (B) Jamaica Bay Park development; (C) New Queens Park areas; (D) Staten Island parks; (E) Enlarged Palisades Park areas (map includes existing Palisades Parks); (F) Newark, Hackensack Meadows and Bayonne Park areas; (G) Proposed Ramapo Mountain Reservation; (H) Industrial areas in the Bronx; (I) Industrial areas on west shore of Jamaica Bay; (J) Industrial development on both sides of Arthur Kill; (K) Other New Jersey industrial areas, including filling in of submerged land; (L) Airport in present marshlands of Southern Bronx; (M) Governor's Island airport.

*

New York Dwelling Law Declared Void.—The New York Multiple Dwelling Law, discussed by Mr. Purdy on pages 305–309 of our May issue, was declared unconstitutional by Supreme Court Justice Lydon on the ground that it was special legislation prohibited by the home-rule constitutional amendment and was not a general law. The act was passed as a general law, and not on an emergency message from the governor by a two-thirds vote of the senate and assembly. The case was immediately appealed to the Court of Errors and Appeals, the final court of the state.

*

St. Paul Proposes to Divorce Schools from City Government.—The city-manager charter, which is soon to be submitted to the voters of St. Paul, separates school administration from the other functions of the municipal government. It provides for a board of education of seven members to be appointed by the mayor. The city manager that the charter prescribes will thus have no authority over schools.

The present school administration in St. Paul represents an exception to the general rule in the United States. Today the city school system is under the authority of one of the members of the board of city commissioners. This arrangement was an experiment undertaken by St. Paul when it adopted the commission plan fifteen years ago.

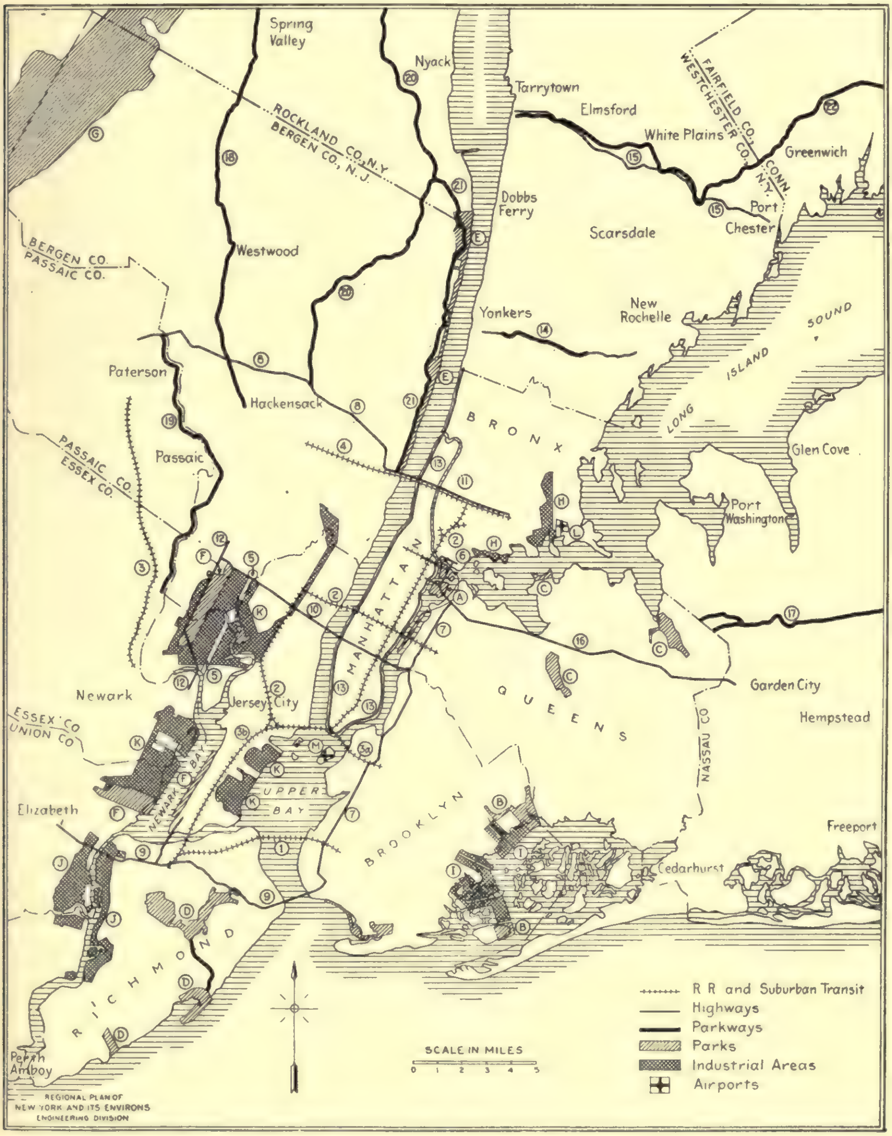
The new charter would bring this experiment to a close and place the city's school administration in line with more generally accepted practice.

◆

Cincinnati Proposes to Reduce Taxes.—If City Manager C. O. Sherrill's proposed budget is adopted by the council, the tax rate for next year will be 8.86 mills, as against 9.40 for the current year and 10.36 for 1928. The total operating budget requested for 1930 is $15,947,000, approximately $53,000 less than the operating budget for last year.

◆

Planning Foundation Organized.—The Planning Foundation of America, with offices at 130 East 22nd Street, New York City, has been organized to bring together the facts, figures and experiences of city and regional planning, and to


Spring Valley
Nyack
Tarrytown
Elmsford
White Plains
FAIRFIELD CO. CONN.
WESTCHESTER CO. N.Y.
Greenwich
Port Chester
Dobbs Ferry
Scarsdale
ROCKLAND CO. N.Y.
BERGEN CO. N.J.
BERGEN CO.
PASSAIC CO.
Westwood
Yonkers
New Rochelle
LONG ISLAND SOUND
Paterson
Hackensack
BRONX
Glen Cove
Passaic
PASSAIC CO.
ESSEX CO.
Port Washington
MANHATTAN
Newark
Jersey City
QUEENS
Garden City
Hempstead
NASSAU CO.
ESSEX CO.
UNION CO.
NEWARK BAY
UPPER BAY
Elizabeth
BROOKLYN
Freeport
Cedarhurst
RICHMOND
Perth Amboy
SCALE IN MILES
0 1 2 3 4 5
R R and Suburban Transit
Highways
Parkways
Parks
Industrial Areas
Airports
REGIONAL PLAN OF NEW YORK AND ITS ENVIRONS
ENGINEERING DIVISION

SOME OUTSTANDING PROPOSALS OF THE NEW YORK REGIONAL PLAN coördinate and place them at the disposal of the public as authoritative planning guides. As the planning interests of the country expanded, the necessity for an adequately equipped central organization was felt. This organization is to extend the service already operated by the National Conference on City Planning. It is an outgrowth rather than a competitor of the Conference.

The officers of the Foundation are as follows: Lawson Purdy, president; Bancroft Gherardi, vice-president; Frank B. Williams, treasurer; and Flavel Shurtleff, secretary and director. The following are members of the board of directors: Harland Bartholomew, St. Louis; Alfred Bettman, Cincinnati; Harold S. Buttenheim, New York; Frederic A. Delano, Washington, D. C.; George B. Ford, New York; Bancroft Gherardi, New York; John M. Glenn, New York; Paul G. Hoffman, South Bend, Indiana; Robert Jemison, Jr., Birmingham, Alabama; Milton B. Medary, Philadelphia; John Nolen, Cambridge, Massachusetts; Frederick Law Olmsted, Brookline, Massachusetts; and Lawson Purdy, New York.

*

Cincinnati's Negro Problem.—The first Negro group ever brought into the councils of a city administration has been established in Cincinnati in the form of a Negro advisory committee to work with the city officials in the solution of problems of health and welfare.

Just above the Mason-Dixon line, Cincinnati has had to face the combination of both the northern and southern attitudes toward the Negro. The migration of the race northward following the war increased the colored population of the Ohio city until now it represents slightly more than one-tenth of the total population.

While much work has been done in the past not only by private agencies but also by the public health board, the tuberculosis rate among the Negroes has steadily increased. City Manager C. O. Sherrill, finding no facilities available to provide hospital training for colored doctors and nurses, appointed this committee for the purpose of coördinating Negro opinion for the advice of the administration. It will be interesting to observe the results of this experiment.

*

North Carolina Modifies State Supervision over Municipal Debts.—Two years ago the North Carolina general assembly enacted the Public Securities Recording Act providing for state supervision of the means and methods for prompt payment of principal and interest of county and municipal debts. Under the provisions of a law which has just been enacted by the 1929 session of the general assembly, the duties imposed upon the state auditor by that law are transferred to the state sinking fund commission and that body is also charged with supervision of the issuance and sale of all municipal bonds.

The new law, which applies to all local units of government, requires municipalities, before issuing any bonds, to make application to the sinking fund commission for its approval of the proposed issue. After considering the necessity for the proposed improvement, existing tax rates, the reasonable ability of the local unit to sustain the tax necessary to pay the debt, etc., it may approve the issue, or it may call a public hearing at which officials, citizens and taxpayers of the local unit may be heard on the project. If the commission then disapproves the application, the proposal must be submitted to the voters.

The act then provides for the sale of bonds by the commission, or by the local unit, subject to approval by the commission of the manner in which it is advertised and sold.

Legal requirements of a sale of bonds by the commission include the following: Publication of the notice of sale at least ten days before such sale, in a local newspaper, a paper published in North Carolina having a sworn daily circulation of not less than 20,000, and in a journal approved by the commission and published in New York City, devoted primarily to the subject of state, county and municipal bonds.—*The Bond Buyer.*

NATIONAL MUNICIPAL REVIEW

PUBLISHED MONTHLY BY THE

National Municipal League

VOL. XVIII, No. 9 SEPTEMBER, 1929 TOTAL No. 159

CONTENTS

EDITORIAL COMMENT .... *H. W. Dodds* 547

OUR AMERICAN MAYORS
XVIII. DANIEL W. HOAN OF MILWAUKEE ..... *Joseph P. Harris* .. 549

LOCAL TAXATION—RECENT CHANGES IN ENGLAND AND WALES .... *I. G. Gibbon* 555

UTILIZING MANHATTAN'S PRESENT TRAFFIC FACILITIES *John J. Quigley* ... 558

FORECASTING CITY GROWTH .... *J. Rowland Bibbins* 563

WHERE DOES LEGISLATION ORIGINATE? .... *Harvey Walker* 565

MOVIES SOCIALIZED FOR TOWN'S BENEFIT .... *C. C. Bayard* 568

THE PROSECUTING ATTORNEY IN OHIO—AN OBSOLETE OFFICER .... *W. E. Binkley* 569

DETROIT'S "BARBER SHOP" VOTE—A REPLY TO MR. JONES .... *William P. Lovett* .. 574

ADD PROFESSIONAL PUBLICITY OFFICIAL TO LIST OF MUNICIPAL EXECUTIVES .... *Howard P. Jones* .. 576

DEPARTMENTS

I. Recent Books Reviewed 580

II. Public Utilities .... *Edited by John Bauer* 585

III. Governmental Research Association Notes .... *Edited by Russell Forbes* 590

IV. Notes and Events .... *Edited by H. W. Dodds* 594

The contents of the NATIONAL MUNICIPAL REVIEW are indexed
in the *International Index to Periodicals.*

GRIFFENHAGEN & ASSOCIATES, LTD.
BUREAU OF PUBLIC SERVICE

Consultants and active assistants on the administrative and financial problems of public bodies in programs of review, audit, and constructive improvement; seventeen years of experience in the service of officials, legislators, and citizen organizations

HEADQUARTERS OFFICES 155 EAST SUPERIOR STREET, CHICAGO
EASTERN OFFICES MILLS BUILDING, WASHINGTON, D. C.

THE LEAGUE'S BUSINESS

Baldwin Prize Awards.—The committee on award of the annual Baldwin Prize, consisting of Professor Rinehart J. Swenson of Washington Square College, New York, Professor O. Garfield Jones of Toledo University, and C. E. Rightor of the Detroit Bureau of Governmental Research, has unanimously granted the first prize to Haig Gregory Abdian, of Harvard College. His topic was "Regional Planning Commissions." The Baldwin Prize of one hundred dollars is offered each year by the National Municipal League for the best essay on municipal government by a college undergraduate. (It is interesting to note that Mr. Abdian received second place in the awards last year.)

Three others received honorable mention, in the following order:

Mrs. Wendell H. Stephenson, Louisiana State University, for essay on "Special Assessments *vs.* General Taxation for Street Improvement."

Anne Elizabeth Bool, Smith College, for essay on "Objective Examinations in Municipal Civil Service."

Ruth Gunther, Pomona College, for essay on "Los Angeles and the Regional Plan."

*

Subjects for Baldwin Prize Competition for 1930.—The following topics have been selected by the Prize Committee as the subjects on which Baldwin Prize essays may be submitted in 1930:

1. The Best Retirement System for Public Employees
2. Division of Powers between the Central and Borough Governments in a Federated City
3. Property Deficiency in Municipal Accounting
4. In What Respects Is the City Manager Plan Failing?

Manuscripts must be in the hands of the Secretary of the League by May 15, 1930. For further particulars address the Secretary.

*

Committee on Nominations Appointed.—The League has appointed the following members to the 1930 Committee on Nominations:

Alfred Bettman, Cincinnati
A. Julius Freiberg, Cincinnati (Invited)
Alfred H. Henderson, Cincinnati (Invited)
Charles P. Taft, II, Cincinnati
W. J. Millard, Cincinnati

NATIONAL MUNICIPAL REVIEW

Vol. XVIII, No. 9 SEPTEMBER, 1929 Total No. 159

EDITORIAL COMMENT

New Dwelling Law Constitutional

New York City's new multiple dwelling law, described by Mr. Purdy in the May Review, has been held not to be in violation of the home-rule amendment to the state constitution. The decision is by the court of final jurisdiction and reverses an unfavorable ruling by the court below.

The law to regulate tenements was passed by the legislature as any ordinary law would be passed, and without the special safeguards which the constitution demands for a law relating to the "property, affairs or government" of a city. The Court of Errors and Appeals held that the control of housing and the eradication of slums are concerns of the whole state, and do not relate to the property, affairs or government of a single city. The decision was 3 to 2. Two judges held that the interest of the state as a whole was so remote as to be negligible and therefore that the law could not be said to be general.

*

City Managers and the Merit System

The attitude of city managers toward civil service commissions has varied greatly as between individual managers. Where it has been antagonistic the opposition has not been to the application of the merit principle but to the location of control. Some managers have felt that an independent civil service commission was a negation of the theory of the manager plan and an encroachment upon a sector of administration for which the ultimate responsibility was theirs. Others, though recognizing that the conventional civil service commission runs counter to sound theory, have nevertheless favored the establishment of such commissions as a protectio nto the manager against political pressure and hostile public opinion.

The trouble with the independent commission idea is that with respect to a very important element of his duties it places the manager at the mercy of outsiders—outsiders who have a legal right to interfere in details of administration to a degree which the council itself cannot properly enjoy in any field. Civil service commissions can be as politically minded, in the sinister sense, as any public officials, as recent experience in Cleveland has demonstrated.

It is not fair to say that city managers are opposed to the merit system. With all that is involved in the term "personnel administration" they will be found, as a group, to be sympathetic. Their doubts relate exclusively to the question of where control shall be lodged.

Significant of this attitude is the

appointment of John N. Edy, city manager of Berkeley, California, as the representative of the International City Managers' Association, to coöperate with a representative of the Civil Service Assembly of the United States and Canada in a study of personnel administration in manager cities. The findings, with joint or individual recommendations, are to be reported to the presidents of the respective bodies in the fall.

*

Barber Shop Opinion vs. the Stay-at-Home Vote Who is to blame when an election "goes wrong?" Writing in this issue, Mr. Lovett says it is the vote slackers; Mr. Jones lays the responsibility at the door of the "good people" whose publicity methods are bad.

The immediate issue is the recent Detroit election on rapid transit in which the barber shop vote turned out to defeat the plans of the Transit Commission. Mr. Lovett flays the voters; Mr. Jones the leaders. Mr. Lovett denies that barber shop opinion won; he says that the election did not mirror public opinion because so many voters stayed at home.

Nevertheless and notwithstanding, replies Mr. Jones, the stay-at-home vote stayed at home because it was not interested, and it was not interested because the issues had not been dramatized for it. Why not add a professional publicity agent to the city's administrative staff, recognizing that it is the duty of government to maintain a public contact, asks Mr. Jones.

It is an old argument. Our personal belief is that both gentlemen are wrong. If the future of democracy depends upon the injection of a stronger moral urge into indifferent voters, or if it depends upon a dramatization of governmental processes until they vie with the tabloids in the struggle for public attention, it is doomed to failure.

It must be admitted that reformers should learn more about influencing public opinion; but every trick of the advertiser is equally available to their opponents. Reformers try to make their public understand the matter which they seek to promote. Advertisers never worry about understanding; their methods often conceal rather than reveal the true nature of their products. This does not mean that they are necessarily untruthful; it only means that they are interested in a result rather than a process. They want action from the public, not understanding. They recognize that the nature of their product may be too complex for purchasers to understand. By well-known principles of psychology they short-circuit understanding in the interest of consumer's urge. But every reformer is at heart an educator; he wants the public to understand his program.

Few can interpret the engineering specifications of the automobile they buy, but municipal government is far more abstruse. Can Mr. Lovett ever persuade voters *en masse* to spend the energy needed for that comprehension of municipal issues without which no voter has a moral duty to vote? Can Mr. Jones so simplify and illuminate such issues that voters will understand them without conscious effort? The present writer doubts if either thesis will succeed. Democracy does not require that they should.

*

On August 20, the voters of Cleveland decided for the third time not to abandon city manager government. More details next month.

OUR AMERICAN MAYORS

XVIII. DANIEL W. HOAN OF MILWAUKEE

BY JOSEPH P. HARRIS
University of Wisconsin

The colorful career of a mayor who is one-tenth Socialist and nine-tenths business man. The champion long-distance Socialist mayor.

MAYOR DANIEL W. HOAN

"WE cannot afford to turn the city over to the Socialists again," said Mayor Bading in the 1916 mayoralty campaign, when he opposed the youthful Socialist candidate, Daniel W. Hoan. He went on to say: "It would paralyze the world. It would mean that the city would be isolated, it would be shunned."

Mayor Hoan is now serving his fifth term, and in 1932, at the end of the present term, he will have been mayor of the city of Milwaukee for sixteen years. This record is all the more remarkable in view of the fact that Milwaukee is not a Socialist city, despite the common impression to the contrary, and the Socialists have not commanded a majority in the council at any time during these terms. At the last election the Socialists lost five members in the council, but "Dan" Hoan was elected by the largest majority he ever received. In fact, his opponents now complain that they cannot get a good candidate to run against him, for the public confidence in his honesty, ability, and zeal for the public welfare is so great that no outstanding person in public life cares to oppose him.

FROM SCULLERY TO MAYOR'S CHAIR

The history of Dan Hoan reads like that of the typical eulogistic campaign biography (though Hoan has never exploited his career to capture votes). He was born in Waukesha, Wisconsin, a small city near the outskirts of Milwaukee, in 1881. His father was the village blacksmith and town radical, who was not looked upon with favor by his fellow townsmen because of his radicalism. When Dan was fourteen years of age his father died, and he was forced to stop school to support the family. He started to work in one of the resort hotels in Waukesha as a helper in the kitchen. By the time he was twenty-one years of age he had become a chef, and had worked in some of the finest hotels in Milwaukee and Chicago. When he was elected mayor of Milwaukee, in 1916, one of the local newspapers carried a feature story about the boy who had risen from the scullery to the mayor's office.

At the age of twenty-one Daniel Hoan returned to school, entering the University of Wisconsin. There he worked his way as a cook for a fraternity, but his work did not prevent him from being active in student life. He organized the first Socialist club among the students, and was elected president of the senior class in his last year. After graduating in 1905, he went to Chicago and started a restaurant of his own. In this he was successful, but after a year gave it up because he was unable to read law in his spare time, as he had planned. He secured employment in a law firm at six dollars a week—the lowest wage which he had received since he started as a kitchen helper at the age of fourteen. He entered Kent Law School, was graduated and admitted to the bar in 1908. At that time he was offered an attractive position with a prosperous law firm which had a large corporation practice, but he refused and started into business for himself. Shortly afterwards he was persuaded to return to Milwaukee. In 1909 he married Agnes Manger, whom he had met in Chicago in 1905.

In 1910, when Hoan was only twenty-nine years of age, and had been admitted to the bar only two years, he was put on the Socialist ticket as candidate for city attorney. The leaders of the party had confidence in him, and there were none too many attorneys within the ranks of the party to choose from. By chance a Socialist landslide of that year carried the entire ticket, headed by Emil Seidel for mayor, into office. Two years later the Socialists were swept out of power, but the office of city attorney had been given a four-year term, and so Hoan remained in office. In 1914 he was reëlected city attorney by a small majority.

As city attorney of Milwaukee, Hoan made a remarkable record. He selected as subordinates capable young attorneys who have since risen to the top of the profession. Two of his assistants have since been candidates against him. Hoan not only looked after the routine legal business of the city in an efficient and energetic manner, but he also attracted a great deal of attention by bringing suits against the local gas and electric companies and winning them. He forced down the utility rates, forced the street car company to pave and sprinkle between its tracks, and brought action successfully against the railroads to abolish many grade crossings in the city. He won also an important case concerning the power of the city to regulate billboards. His vigorous prosecution of the duties of the office and defense of the rights of the public earned for him the public approval and confidence which made him mayor.

1916 CAMPAIGN WARM

In 1916 Hoan was chosen by the Socialists to run for mayor. He was elected by a narrow majority. Mayor Bading, his opponent, charged the Socialists with being "liars, indecent, un-American, red-flaggers, not fit for office, anarchists and political pirates." In a typical speech, he said:

> The fang of the viper is ready to suck Milwaukee's life blood. Socialism, with all its heresies and un-American ideas, is knocking at the door. Will you, as you have done in the past two years, bar it against the Red Flag, and send out word to the people of these United States—yea, even to the world—that Milwaukee

> will never again allow the Red Flag to replace the Stars and Stripes on the flag pole of the City Hall.[1]

The slogans of the Nonpartisans (coalition of the Democrats and Republicans against the Socialists) included the following:

> Either Socialism or the American government must perish.[2]
>
> Join the nearest anti-Red club, young man.[3]
>
> It is up to you, young man, to recall the spirit of '76 and retire all the Reds.[4]

Candidate Hoan, however, was a doughty campaigner. He replied to the charge of radicalism, red flag, and "save Milwaukee," as follows:

> The main issue of this campaign is whether the flag of the street car company will float over the City Hall instead of the Stars and Stripes left there by Emil Seidel, former Socialist mayor. I refuse to believe that it is necessary to sell out the City Hall to the street car company and its black flag of monopolistic piracy in order to be American citizens.[5]

Hoan charged that his opponents were the tools of the utilities. In order to make his charges against the utilities more effective, he took to his public meetings a piece of water pipe taken from the city mains, which had holes in it eaten by electrolysis from the escaping current of the utility company.

THE LOYALTY ISSUE

When the election was over, Hoan had won by a narrow majority, but the council was against him, and the other city offices were filled by Nonpartisans. The election of 1918 turned largely upon the loyalty issue. The Socialist platform of that year contained a plank opposing the entrance of the United States into the World War, and the patrioteers whooped it up against Hoan.

The mayor, however, defended his war record and support of the national government, and, while he lost many votes because of the war hysteria, he undoubtedly gained other votes from racial groups opposed to the war, particularly the Germans, and was returned to office by a narrow majority. The same issue was used in the election of 1920, and the result again was close. In this election Hoan was criticized for failure to invite the King of Belgium to visit the city. He was reported to have replied during the campaign: "To hell with the King; I am for the common man."

In 1924 he was opposed by Dave Rose, a former mayor of the city who had served five terms, and who was a seasoned campaigner with a flamboyant style of oratory. In the old days when Rose was mayor of the city, prior to 1910, it was wide open to every sort of vice, gambling and prostitution, and to corruption in the city hall. During his last term Rose spent much of the time making anti-prohibition speeches throughout the country for the brewery interests. After retiring from the office of mayor, Rose became connected with several questionable financial ventures, became bankrupt, later tried to establish himself in China, New York City, and other places, and finally returned to Milwaukee to save the city from Socialism. It appeared at first that Rose would be a formidable candidate, and in the primary he polled more votes than Hoan, but before the election was held his record was exposed, the women voters were aroused against him, and Hoan was reëlected by a majority of over 17,000 votes.

---

[1] *The Milwaukee Journal,* March 27, 1916.

[2] *The Milwaukee Sentinel,* April 3, 1916.

[3] *The Evening Wisconsin,* March 29, 1916.

[4] *The Milwaukee Sentinel,* March 31, 1916.

[5] *The Milwaukee Leader,* March 29, 1916.

HOAN PROMISES HIGHER TAXES

In this campaign Rose ran on a platform of economy and reduced taxes, as well as the old standby—the bogy of Socialism. Mayor Hoan took the bold stand that there could be no reduction in the taxes without sacrificing the schools, the park system, the public health work, or other essential work of the city. He dared to tell audiences of wealthy citizens that they, and not the radicals, were the real enemies of the city, for they would cripple the city's activities by shouting about high taxes.

In the 1928 election no opposing candidate of any considerable strength announced himself against Hoan. His opponent in the final election, Charles Shallitz, while strong enough to capture the Republican nomination and be elected sheriff two years earlier, had no chance of election, and Hoan made no campaign whatever. He was reëlected by a majority of 18,000 in an extremely light election. In this election he carried even the wealthiest and most conservative wards of the city. He is commonly looked upon by the conservative groups of the city as being one-tenth a Socialist and nine-tenths a lawyer and business man, and a good one. His popularity is not due to a magnetic personality, though he is democratic, approachable and tactful. It is always easy to see the mayor, and his office is not infested with politicians. He is not a silver-tongued orator, though an effective speaker. There is no bluff or bluster about him. In short, he does not maintain his popularity with the people of the city by any of the usual arts of the politician, but rather by his rugged honesty, his constant fight for the public interest, and his far-sighted judgment and vision of a greater and better city.

LEGALLY A WEAK MAYOR

In announcing his candidacy in 1928, Hoan declared that the city of Milwaukee had developed from one of the worst governed cities in the country in 1910 to one of the best governed cities. He went on to point out that the various municipal departments had been reorganized and cleaned up, despite obstructions and opposition of the city council. This is an actual record of achievement, and one that is remarkable in view of the limited legal powers of the mayor and, with the exception of one term, the opposition of the city council.

The powers of the mayor of Milwaukee are weak. He appoints the heads of the principal departments, but his appointments are subject to confirmation by the council, and he does not have the power of removal. Although Hoan was first elected mayor in 1916, it was not until 1922 that he was able to secure confirmation for a single mayoral appointment, except that of chief of police. The old chief of police he was able to force out by evidence of corruption and graft which he secured. During the period before 1922 the council kept the incumbents in office by refusing to confirm the new appointments sent in by the mayor. A number of offices were mismanaged and for years the mayor tried to clean them up, but to no avail until he secured a sympathetic council. For example, a former building commissioner permitted the building code to be violated at the request of members of the council, and administered the duties of the office in a way which the mayor disapproved, but it was not until finally a coalition could be formed between the Socialists and several Polish Nonpartisan members of the council that a new commissioner, a Polish architect, could be confirmed.

With the election of eleven Socialist councilmen in 1920, and the support of two other members, Hoan secured a majority of the council, and proceeded to clean up the city departments by appointing men of outstanding ability to head them.

A FRIEND OF CITY PLANNING

Mayor Hoan has taken a leading part in all the large projects for the development of Milwaukee. For years he had been a strong advocate of city planning, and has backed up the public land commission (the city planning board) with vigorous vetoes when the council has attempted to break down the zoning law.

In 1926 the council voted an amendment to the zoning law to permit the building of two-story flats over stores. Hoan vetoed the ordinance.

Mayor Hoan has realized for years the importance of the harbor and has supported plans for its development. One of the problems of harbor development was that of acquiring riparian rights to the land bordering on the lake. Years ago a committee of the council was created to see what could be done toward securing one large strip along the lake front which was still privately owned. For ten years this committee carried on, but made no progress. Finally the mayor took the initiative to see what he could do. He broached the matter to some of the wealthiest citizens who owned land along the lake front, and was soon able to get the landowners to donate the riparian rights along the lake front to the city, and now the city owns the entire lake front. One large tract was purchased for park purposes at an extremely favorable price. Another part of the harbor development has been the building of a lake-front park. When Mayor Hoan first began to talk about the development of a lake-front park, of securing riparian land rights, and of developing the harbor, he was looked upon as a visionary and was opposed by selfish real estate interests. Now that the land has been secured, and at practically no cost, the lake-front park built, and harbor plans laid, the whole development is looked upon as one of the largest achievements of the city.

LED FIGHT FOR HOME RULE

Mayor Hoan led the fight for home rule in the state. This fight, too, was an uphill and discouraging affair. Once the voters of the state voted down the referendum proposition. The present home-rule amendment to the state constitution, which is one of the broadest grants in any of the states, was drafted by Hoan. He secured the support of the state League of Municipalities and was by far the most influential person backing the amendment before the state legislative sessions at which the matter came up.

Within recent years his interests in state legislation have centered largely in the so-called power bills. Legally, the cities of the state may acquire their utilities and operate them, but practically they have a very limited power because of the narrow debt limit of cities, which in most cases has been practically used up. In 1928 the League of Municipalities adopted a legislative program to make it possible for the cities to own and operate their utilities. One bill would permit the cities to issue utility bonds which would be a charge against the utility, and would not become a part of the indebtedness of the city. Another bill would permit the cities with municipally-owned utilities to form a utility district, merging the utilities of the various cities so that the economies of large scale production would be possible. Another bill related to the taxing of utilities, and so on. When this program was submitted to the league there was little or no opposition. Various persons explained and defended the program, but no one opposed it. Hoan arose and urged that no vote be taken until every member was fully aware of what the program meant, and proceeded to advance every argument which would be made against it, and to discuss each.

In many other public matters Mayor Hoan has taken a very important part in protecting the public interest and planning for the future. Many important developments have been made which should be credited in large part to him. Some years ago the position of real estate agent was created to protect the city against the paying of exorbitant prices for real estate. Milwaukee is probably the only city in the country which has a commissioner of annexation, whose business it is to work for the annexation of outlying suburbs. Hoan has been particularly active in promoting annexation, often making speeches in the outlying sections, explaining the advantages of coming into the city. Mayor Hoan was one of the first persons to urge the state to bring suit against the city of Chicago for excessive diversion of water from Lake Michigan.

At the present time an investigation is being conducted by a special committee of the council, which competent observers say is designed to embarrass the mayor. One part of the investigation has to do with a fund of $10,000 which the mayor has from the sale of government surplus goods following the war. Since the city did not have the power to undertake the sale of the army surplus goods, the mayor undertook it in his capacity as a private citizen, arranging for the sale in the public market. Several hundred thousand dollars' worth of goods were sold, and a profit of $10,000 was realized. This the mayor has in his own name in a special fund. He has offered it to the council five or six times, with the stipulation, however, that it be used in connection with the development of a public market. The council has refused to accept it under the terms, and now is investigating the well known fact that there is such a fund in existence. Other charges and rumors of a more serious nature, involving members of the council, are being overlooked or whitewashed. While a vigorous attempt will be made to discredit the mayor, it seems quite likely that he will be stronger at the end of the investigation than at the start.

LOCAL TAXATION: RECENT CHANGES IN ENGLAND AND WALES

BY I. G. GIBBON

Assistant Secretary, Ministry of Health

An excellent analysis of the financial features of the new Local Government Act which radically modifies the relations between national and local finance. :: :: :: :: :: :: :: :: ::

In a short article it will not be possible to do more than to sketch quite briefly the financial provisions of the Local Government Act of this year, without mention of the other administrative changes. First as to the guiding purposes; these may be stated thus:

(1) A wider area of charge for certain local services;
(2) A reduced incidence of local taxaation on industry;
(3) A larger contribution from State funds towards local services;
(4) The distribution of State moneys to the local authorities according to their several needs.

As to (1), the area of charge:

Poor relief and public roads, except local roads in towns, are made a charge on the county instead of, as hitherto, on the several districts (unions for poor relief; boroughs, urban districts and rural districts for roads; main roads were already a county charge). County boroughs (our largest towns, now 83 in all) are, however, outside the jurisdiction of the county councils, and will be separate units for poor relief and for public roads.

As to (2), incidence of local taxation:

It appears to be the impression in some quarters abroad that the sole object of the reform is partially to relieve industry from local charges. That is one of its provisions but as part of a comprehensive change.

It has long been felt that the system of local taxation needs to be adapted to modern conditions. The difficulty has been to devise a reform in which too many holes could not be picked, and there are still differences of opinion. With taxes levied almost wholly on real property, according to its annual value (with certain allowances), the present system was considered by the government in power to bear harshly on productive industry, which requires a large amount of land, buildings and fixed plant.

The scheme of the Act ("derating," as it is called; the local taxes are known as rates) is to reduce by three-fourths the basis on which local taxes will be paid on productive industries. Railways, docks and canals will be similarly relieved, but on condition that the reduction is passed on in reduced transport charges. For agriculture the basis had already been reduced many years ago, first to one-half and later to one-fourth, and it is now wholly removed for agricultural land and buildings, so that in future local taxes will not be paid on them—but will continue to be paid on the farm house and on the cottages.

STATE GRANTS ON NEW BASIS

As to (3), State grants:

There has been a steady growth in recent years in the proportion of local expenditure provided by the State. That will now be further increased, because the losses to local authorities due to derating will be made good out of the national exchequer. Some additional money is also provided by the State.

The general result may be gathered from the following figures for the year 1926–27:

	Millions
Total revenue expenditure of local authorities (including that on trading undertakings)	£402
Met out of local taxes	159
Met out of State grants	87
If derating had been in force during the year, the local taxes would have yielded less by about	24

As to (4), distribution of State moneys (grants):

The Act provides for a central pool of State money, called the general exchequer contribution. This is to consist of:

(a) The already mentioned loss, estimated at some £24 millions, from derating.

(b) Certain grants, estimated at some £16½ millions, which are to be discontinued. Some of these grants are now distributed on bases fixed many years ago which have little relation to present expenditure or need; some are paid in proportion to local expenditure on particular services (the percentage grants). These latter grants include payments for maternity and child welfare, for the treatment of tuberculosis and venereal diseases, for the welfare of the blind and for the care of the mentally defective.

(c) New money, fixed at £5 millions a year for the first three years.

This central pool will be distributed according to population, but population weighted according to a formula. This formula takes account of rateable value per head (as an index of taxable ability to pay), proportion of children under five years of age to the total population, the measure of local unemployment, and, for the counties but not London or the county boroughs, the local density of population (so devised as to give weight to low as well as to high densities). Weights are given to these several factors so as to obtain distribution according to what was considered probable local needs.

TREATMENT OF NECESSITOUS AREAS

One of the problems which the new scheme is designed to solve is that of the distressed or necessitous areas, areas containing a very high proportion of working-class population with the need for large expenditure for local purposes and relatively low taxable capacity. Estimates which have been published indicate that these areas will gain substantially from the scheme.

State grants for education and for police, and the larger part of the grants (from the central Road Fund) for roads, will be continued on a percentage basis. The total grants for these three purposes amounted in the year 1926–27 to nearly £64 millions, nearly £40 millions being for education.

The new scheme is not to be brought into force in its entirety at once. In each of the first seven years (a) 75 per cent of that part (estimated at some £40,500,000) of the whole pool which is to compensate for the derating loss and the discontinued grants will be distributed in proportion to the loss in each district from these sources, and (b) the remainder of the pool on the formula. In each of the next five years, the proportion distributed under (a) will be reduced from 75 per cent to 50 per cent; in each of the succeeding five years, it will be reduced to 25 per cent; afterwards, the whole pool is to be allocated on the formula.

The formula will be applied only in the distribution of money from the State to the primary local authorities, the county councils and the county borough councils. In counties, there are also county district councils, which comprise town councils, urban district councils and rural district councils. To each of these authorities within the county a grant will be made according to population, without weighting. For the urban authorities, it will be a fixed sum per capita obtained by dividing one-half of the total exchequer distribution to all counties (excluding London) by the population of the counties. The amount is estimated at about twelve shillings and sixpence per head. For rural authorities (who have less expensive duties), it will be one-fifth of the rate for the urban, that is, about two shillings and sixpence per head of population. The county council will receive in relief of its expenditure (relief which, of course, will be passed on to all ratepayers in the county) the county's quota of the grant pool, ascertained in the manner already described, less the amount of the per head grants to the county districts within the county. There are special arrangements for London.

BLOCK GRANTS

The substitution of block grants for percentage grants will relieve local authorities of much detailed control unavoidable under the latter system. Two virtues in particular have been credited to percentage grants—(a) that they assure State assistance in proportion to local expenditure, (b) that they are an excellent bait to catch the more laggard authorities.

As regards the first, there are certain safeguards in the Act to reduce the risk that local authorities may lose under the new system; thus: (1) the total pool to be distributed to local authorities is not to be less, in proportion to the total expenditure of local authorities from rates and this pool, than it is when the scheme is first brought into force; (2) each county and each county borough is guaranteed a gain of at least one shilling per head of population; (3) each district is given a limited guarantee against a rise in rates.

As to the second (laggard authorities), there are provisions, as there were previously, by which a local authority which fails to carry out a public health duty may be superseded for that duty. In addition, the whole or part of a grant may be withheld if there is grave failure of duty or gross extravagance.

The scheme is a large reform of local taxation and of the relations between State and local finance. Local authorities, not unnaturally, were a little apprehensive of the effect on them. Concessions were made to reduce their fears. In addition to those which have been mentioned, it was provided in the Act that the present State contribution is not intended to cover State assistance for any new duty which may in future be placed on local authorities by Parliament; and (with typical British caution) the working of the new scheme is to be investigated within seven years and a report made to Parliament.

Such in briefest compass are the financial changes contained in the Local Government Act, changes of wide import in matters of much discussion and difference of opinion.

UTILIZING MANHATTAN'S PRESENT TRAFFIC FACILITIES

BY JOHN J. QUIGLEY
New York University

Proposals for immediate traffic relief which can be introduced while large projects are in process of construction. :: :: :: ::

A GOOD deal has been written and much more said about the unfortunate position in which New York City finds itself with regard to the problem of handling the ever increasing volume of traffic upon its streets. It is true, of course, that other large cities in the country and even the smaller centers of population have been forced to cope with their share of the more than twenty-five million cars in operation. But nowhere in the country is the traffic problem more acute than in the nation's largest city.

For the city as a whole, the traffic problem is simply that a growing number of vehicles and pedestrians, already too large for accommodation under existing arrangements, clogs the city's streets. But the problem is most acute on Manhattan Island, where conditions are well-nigh intolerable. The automobile driver of average ability and thorough knowledge of the island is fortunate if he can drive the eight miles from City Hall to the Bronx in less than an hour. To the time delay is added the nerve-wracking strain of shifting gears dozens of times, and of perilous maneuvering in the press of cars. The economic loss due to crowding and delay is almost incalculable.

A survey of the conditions underlying the movement of traffic in Manhattan reveals the causes of this overcrowded condition. Vehicular traffic here is of two kinds, local and through. If the streets on the island had only to accommodate local traffic, the situation would be serious enough, for the concentration of business and commercial activities, especially in the financial, Forty-second Street, and waterfront districts, requires a tremendous number of passenger cars and trucks. But the fact that Manhattan is practically the geographical center of Greater New York, and is also the gateway to a considerable portion of the continent, subjects this limited area to at least an equally large volume of through traffic, originating in and destined for neighboring boroughs and states. Most of this traffic, as well as the movement of vehicles from one of its centers of business to the other, must be accommodated on north-and-south avenues. And it is in this respect that the situation is peculiarly difficult.

The shape of Manhattan Island is unsuited to the accommodation of such north-and-south traffic. And this inadequacy has been greatly aggravated by the manner in which the city was laid out. The planning commission provided almost three times as many crosstown streets per mile as north and south avenues. If the latter were two hundred feet apart instead of five or six hundred, the island could carry its present volume of through traffic comfortably.

LARGE PROJECTS FOR RELIEF NOW IN PROCESS

Recognizing the temporary and incomplete nature of the remedies now in force, traffic experts have been and are now studying the possibility of relieving the pressure from the other direction by adding to existing facilities. East side and west side speed highways are being planned, a tri-borough bridge connecting Manhattan, Long Island, and the Bronx has been approved by the city administration, and a Hudson River bridge spanning northern New Jersey and northern Manhattan is now under construction. Meanwhile additional underwater and crosstown traffic tunnels are planned, and a movement is under way to accommodate the cars now parked on important avenues in projected mammoth parking garages. It would seem as if the city authorities and business and social groups are at last coöperating in an effort to grapple with the fundamentals of the traffic problem.

This new program has tremendous possibilities. Most of the projected measures are designed to take the bulk of through traffic right off Manhattan's crowded streets, leaving only the local traffic, which is less than half the present total volume, to be accommodated. The remaining measures would allow more space than now exists for the handling of this diminished volume of vehicles. When the whole program is finally put into operation our traffic problem will be well on the way to solution for a considerable space of time.

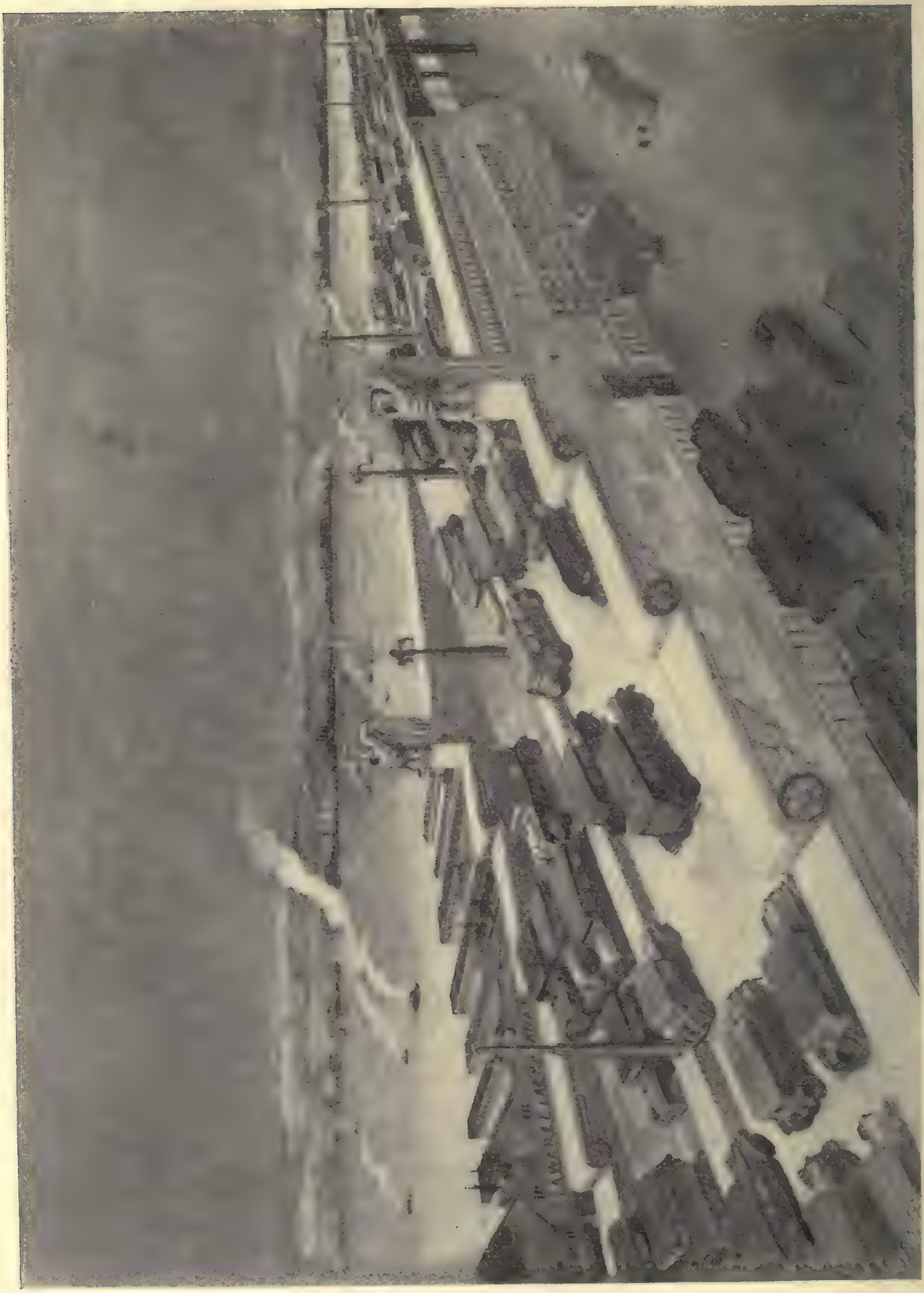
STEPS FOR TEMPORARY RELIEF NEEDED

But, unfortunately, most of these arrangements will require several years for completion. Meanwhile the crowded condition of our streets continues, and becomes more acute with each passing day, with the consequent loss to business of millions of dollars in time, materials, and human energy. So while every effort should be devoted to forwarding the program of providing adequate permanent facilities, our harassed population would do well to examine every possible avenue of temporary relief.

There is no reason why, if the matter is given proper study, the present avenues cannot be made to accommodate the traffic load more easily. The present arrangements for traffic control need only be extended to accomplish this result. The author has in mind several steps which might be taken in this direction:

(1) Let the light-control system be entirely overhead and be fully synchronized so that these and other control arrangements may operate in unified fashion for the whole island.

(2) One of the reasons why traffic now overtaxes streets is because two streams of vehicles must pass each other in opposite directions. This difficulty was recognized and remedied in the case of crosstown streets. Why not one-way north and south avenues? Let Madison and Seventh Avenues be permanently north-bound avenues, let Park Avenue and Tenth Avenue (below 42nd Street) be permanently south-bound avenues, for the better accommodation of local traffic, with some through traffic. And for the more efficient handling of through traffic, let Fifth Avenue and the speed highways on First and Eleventh Avenues (when completed) be southbound from 7.30 to 10.00 A. M., two-way from 10.00 A. M. to 4.30 P. M. and northbound from 4.30 to 7.00 P. M. and two-way thereafter. This latter arrangement takes into account the fact that the



West Side Elevated Express Highway under Construction in New York City greater portion of through traffic on Manhattan's avenues is southbound in the morning "rush period" and moves in the opposite direction in the evening. Existing theatre district regulations need not be disturbed by such a program.

The value of the one-way feature becomes apparent when one considers the space wasted in the center of a street which carries two-way traffic, because of the necessity of inside lane traffic allowing a considerable margin for safety. On Fifth Avenue, for example, when cars are parked at the curb, two lines of traffic now move in each direction; if this were a one-way street, five lines of vehicles could be comfortably accommodated in the same space. The wastage is proportionately greater on an avenue which under one-way traffic flow can accommodate four lines of cars, where but two lines now pass each other safely, neither daring for long to establish a third line. The seven avenues mentioned above, if converted into one-way passages, would provide for at least seven additional lines of traffic, which would be equivalent to adding more than an additional "Fifth Avenue" to existing facilities.

If the existence of surface car lines on many important avenues did not interfere, seven other north-and-south highways could be put on a one-way basis, with a consequent addition to the space available for vehicles. Perhaps on most of these streets an arrangement could be worked out whereby the trolleys would be operated one-way on alternate avenues, returning in the opposite direction on the next parallel avenue of tracks. Such an arrangement would in no way seriously inconvenience street-car users, and it would permit the space benefit of the one-way principle to be utilized to a considerable extent. With a total of fourteen avenues so arranged, additional space for vehicles equivalent to three new main avenues would be made available.

GREATER AVERAGE SPEED POSSIBLE

(3) In addition to the virtual adding of space by the application of the one-way principle to avenues, even greater relief could be obtained by a more scientific control of vehicular direction and speed. One of the principal causes for the congestion of vehicles, especially in "rush periods," is the slow average rate at which traffic moves. The lines of cars next to the parked vehicles or to the curbs have their progress limited by slow-moving busses or trucks and by the frequent right-turning of cars into side streets. The inside "lines" are sometimes even more greatly hampered by the fact that vehicles are permitted to make left-hand turns into those alternate side streets in which the movement of traffic crosses the avenue from right to left. As a result the inner lines of cars often have their movements completely blocked by the piling up of left-turn vehicles waiting for the lights to permit movement of cross-traffic. So that center lane traffic moves only about half the time that the lights are in favor of north and south traffic. As a result, vehicles which travel twenty-five miles per hour or faster, *when moving*, scarcely average more than ten miles an hour under these conditions.

If the one-way principle were adopted, however, much of this unnecessary confusion and delay could be eliminated. Right turns could be permitted only to those vehicles in the right outside line, and left turns only to those in the left outside line. This would leave two or three lines of center traffic free to move without interruption as long as the lights permitted. The absence of obstructing "turn-cars" here and the fact that these lines of automobiles would all be travelling in the same direction would make it possible to raise the speed limit for such traffic to thirty miles per hour. Indeed, vehicles in these lines might well be *compelled* to travel faster than twenty-five miles per hour or move into the outside slow traffic lines. Those drivers wishing to turn off at any point could move into the side lines of traffic in time to make the turn. For the four avenues whose direction of traffic flow would be changed during the day, left-hand turns could be prohibited during the time they were two-way avenues.

The relief afforded to the present congestion by such an arrangement would be even greater than that made possible by the change to the one-way plan. For it would practically double the average speed of through-traffic which would be equivalent to providing three more avenues for every five which now exist. In terms of individual benefits, the average driver could get through Manhattan Island in little more than half the time now required. And the one-way feature would afford this time saving to a considerably increased number of vehicles.

The suggested innovations offer still another benefit. One of the worst elements in the traffic problem in Manhattan is the widespread custom on the part of pedestrians of darting through moving traffic when the traffic light is "against" them. The most sincere efforts of police officers aided by safety-first campaigns, schoolteacher warnings, etc., have not lessened this tendency appreciably, and, as a result, the whole movement of traffic is delayed, and many injuries and fatalities to pedestrians result. The establishment of the one-way stream of traffic coupled with the speeding up of inner lane vehicular movement would prevent this mutual loss. The isle of safety in mid-avenue between traffic moving in opposite directions, which now tempts the impatient pedestrian, would be abolished. More than that, he would be confronted with a solid stream of vehicles stretching the full width of the avenue, with the inner lines of cars moving *too fast to dodge.*

The proposed arrangements, it would seem, would in a real measure go far toward lessening the pressure of traffic upon our crowded streets. The existing volume of vehicles would find more room to operate, and would pass through Manhattan's avenues at nearly twice the present average rate of speed. Indeed the increased number of cars which we must accommodate with existing facilities until the permanent additional arrangements are made could be fairly comfortably accommodated. The plan entails practically no financial outlay or construction of equipment on the part of anyone. It could be adopted in a very short time; its going into effect need wait only for a detailed plan to be made and for sufficient publicity to precede its inception. No real difficulties of enforcement would present themselves since motorists would be more than glad to coöperate in an arrangement which so materially relieved their difficulties.

There is nothing revolutionary about the scheme. Every one of its elements has been tried before with success in other places. It proposes only to combine tested media of traffic control in a way that is designed to meet the conditions peculiar to Manhattan Island. Whether considered as a measure for temporary relief or as the basis of future traffic movement with larger and better facilities, or both, it merits careful consideration and a thorough trial by those interested in solving the traffic riddle.

FORECASTING CITY GROWTH[1]

BY J. ROWLAND BIBBINS

Consulting Engineer, Washington, D. C.

The value of an economic forecast in planning urban service facilities. Forecasting is not a guessing contest. :: :: :: :: ::

It is apparent that the utilities rather than the city governments are generally in the lead in active planning for the future in broad perspective. They have to do it to determine where, when and what facilities are to be installed to meet city growth. In Detroit the specific problem was to forecast the probable building cubage by five-year stages, from 1925 to 1950, in the so-called business district. Buildings were separated into seven different classifications, and the territory into forty-five sub-districts or zones of differing business characteristics. The area involved covered about 550 city blocks in a rectangular plot one mile wide by three miles long.

For such a dynamic industrial center, a reasonable population forecast required a very careful examination into the broad economic picture of the city's growth from the old historic city of 1900, proud in its conservatism, to the now revitalized industrial community with its traffic-ways carrying a motor load of nearly 400,000 automobiles, and with whole communities, some speaking a foreign language, surrounding the great industrial establishments. It is significant that over half the commodity value of Detroit's production now rests upon diversified industries other than automobiles and accessories. Here, indeed, is most evident the opposing centrifugal and centripetal forces of urban development—the outside realty and the central realty. Deeply embedded in this economic struggle is the problem of taxation and of the high building or skyscraper. Already 10,000,000 square feet of high building floor area exist outside of the present downtown central zone as compared with 12,500,000 square feet inside (ten floors and above).

LAND VALUE AND POPULATION

The future population of the Detroit district was estimated to be 1,640,000 people in 1930 and 2,750,000 in 1950, which forecast approximates Chicago's experience in a corresponding industrial era. This was the first step.

The next question was the economic relation between building construction and population. Here available experience and statistics were lacking. So the problem was attacked *de novo* on the basis of land value, and it was found that in urban experience throughout the country an astonishingly rational relationship existed between land value and population. Some economists question this, but New York, Chicago, Philadelphia, Cleveland, Detroit and other smaller cities have followed a parallel trend. Some twenty or thirty "key blocks" in Detroit selected for detailed examination have followed a similar trend. Thus central land values are increasing about as the first power of the population; outside values as the second, third or even fourth power, according to distance.

---

[1] Presenting the results of a year's engineering study of Detroit's future "Central District," population and commercial growth up to 1950. From a survey report on "A Building Construction Forecast," made by the writer for the National District Heating Association and the Detroit Edison Company under the Department of Engineering Research, University of Michigan. Prof. J. H. Cissel of Ann Arbor, and Mr. N. B. Hubbard, engineer of Detroit, collaborated in this survey.

From this fundamental economic relation, future land values throughout the entire survey zone could be predicted. Local knowledge of "district" characteristics was employed, and allowances for enhancements due to city planning, major highways and rapid transit were made.

Further technical studies of probable building cubage properly reflecting land value and population growth developed a rational formula for these economic relations. Here the experience of the Building Owners' and Managers' Association proved most effective. Questions of efficiency of design, range of rentals, financing practice, construction methods and cost ranges, and last but not least the probable effect of zoning height limitations were all deeply involved in the problem.

The survey-forecast is thus a composite picture of historic trend, economic law, engineering experience, construction practice and local judgment. Mathematics and theory alone would not suffice. The cubage forecast presents "probable building cubage." This is not necessarily "economic cubage," for it is found that some districts will be underbuilt and some overbuilt until the law of diminishing returns inevitably corrects the economic disharmony. It is interesting that the actual gross building cubage for 1926 was found to be as close as 4 to 9 per cent, in some of the zones not yet influenced by overbuilding or underbuilding, to that produced by the conversion formula.

HIGH VALUE PEAKS

That Detroit is attempting to do business on an economic "mountain-top" of land values more peaked at the center than Chicago, New York or Cleveland is shown by land value profiles along their business axes. Cleveland has the flattest value profile —a fact worth much study by both zoners and realtors.

The final results are rather appalling in view of present traffic troubles in our highly concentrated cities. The survey indicates:

Nearly doubled population by 1950; 1,340,000 increase.

Nearly trebled building cubage; 2,000,000,000 cubic feet added.

Increase in land values of 2½ times; over $1,000,000,000.

About doubled business land area; 16,000,000 square feet added.

Within about a one-mile circle from the City Hall, building cubage will more than double. Outside, 16,000,000 square feet of residence land will be converted to business purposes. The problem of building and rebuilding offers an immense opportunity for wise technical planning and re-planning of our cities. Without it strangulation and emigration of business districts must ensue, possibly with tremendous relative losses in established values. Even more deeply involved is the fundamental problem of equitable taxation. Obviously, subcenters will be most valuable in this picture of vast economic growth *if they are planned ahead.* Detroit already has one such—at Grand Boulevard.

The results of this survey indicate that forecasting may form the finest argument for adequate city planning and zoning, of which future building cubage is the very foundation.

WHERE DOES LEGISLATION ORIGINATE?

BY HARVEY WALKER
Ohio State University

A study of the place of origin of measures introduced into the Ohio Senate at the last session. :: :: :: :: :: :: ::

It is a commonplace of state government that much legislation has its origin outside of the legislature. Thinking that it might be of interest to students of political science to know just what the sources of legislation were in a given legislative session, the author of this article interviewed the members of the senate of the recent Ohio General Assembly, asking each senator to tell the origin of the legislation he had introduced. The purpose for which the information was desired was explained and none of the senators appeared reluctant to talk. This article presents the data thus secured.

MAJORITY OF BILLS ORIGINATE OUTSIDE

The senate in the 88th General Assembly of Ohio consisted of thirty-one members. In forty-eight legislative days, 267 bills were introduced and seventy-three became law. The senate passed 140 senate bills, but only eighty-three of these were passed by the house, and ten of these were vetoed by the governor.

In the past session, seventy, or 26 per cent, of the bills introduced can be said to have had their origin within the legislative assembly, while 197, or 74 per cent, originated outside. The number of bills originating within the senate was abnormally high, on account of the fact that thirty bills were introduced for the joint legislative committee on economy, an interim group which had been conducting a study of the state's administrative machinery. Eliminating this group of bills both from the group having legislative origin and from the total, those originating within the senate would form only 16 per cent of the total number of bills introduced, which is probably more nearly the normal figure.

Of the bills having a legislative origin, members of the senate claimed thirty-two as their brain children. Of the remaining eight, four were sponsored by the joint committee on prisons of the 86th General Assembly, one by an interim committee on election laws, and three by the joint committee on taxation and economy of the 86th General Assembly. Of the thirty-two personal bills, twelve were passed by the senate. Of these, only five were passed by the house, and two of these were vetoed. Seven of the proposals of the joint committee on economy were passed by the senate. All of these but one died in the house, and this one was vetoed. All of the bills introduced by the joint committee on prisons were passed by the senate, but only one was passed by the house and became a law. The single bill sponsored by the committee on elections was passed and signed by the governor, largely because it was one of the administration measures. Only one of the taxation committee's proposals was passed, and this became law. The senate's activities in connection with the proposals originating in the senate can be summarized as follows: Passed by the senate, twenty-five, or 36 per cent; lost in house, sixteen; vetoed by governor, three; net number of new laws, six, or 8 per cent of the seventy bills introduced.

A second important source of legislation is the administrative offices, state and local. In the recent session, forty-two bills can be traced to state administrative offices, twenty-one to city offices, and fifteen to county offices,—a total of seventy-eight, or 29 per cent of the 267 bills introduced. Among the state offices the governor contributed directly only three bills; the other elective state officers, seven; the department of public welfare, seven; the tax commission, five; the department of education, five; and the public utilities commission, two, the remainder coming from widely scattered agencies of divergent types. Of the city bills, five came from Cleveland, three from Dayton, two from Cincinnati and the remainder from other municipalities. Only Cuyahoga County contributed more than one bill to those having their origin in county offices, there being two from that source.

Of the bills originating in state offices, the senate passed twenty-nine, or 69 per cent. Of these the house passed twenty-one, and three of these felt the veto axe. The net product, therefore, was eighteen, or 43 per cent of the number introduced. Of the city and county bills, twenty-six, or 72 per cent were passed by the senate, and twenty-one survived the scrutiny of the house. Only one was vetoed, leaving twenty, or 58 per cent of the number introduced, to become law. Combining the state, city and county bills, there were seventy-eight, of which fifty-five were passed by the senate and thirty-eight became law, a percentage of success for this type of bill of 49.

Legislation originating from official sources comprised 148 bills, as has been outlined above. The remainder must be traced to unofficial and private individuals and agencies. The 119 bills which have not been accounted for so far were found to have originated with individual constituents in twenty cases, and with citizen organizations in ninety-nine cases. Only five of the twenty bills introduced at the behest of individuals were passed by the senate. Of these the house passed three, and one of them was vetoed, leaving a percentage of final success of 10.

PRIVATE ORGANIZATION MEASURES

The ninety-nine bills prepared by and introduced for unofficial citizen agencies form an interesting field for research. In all, sixty-four organizations were involved. Of these several were of a semi-official character, such as the Ohio State Bar Association, which sponsored six bills; the Hamilton County Bar Association, one bill; the Cuyahoga County Bar Association, three bills; the Summit County Bar Association, five bills; the Richland County Bar Association, one bill; the Lawyers' Club of Hamilton County, two bills; the State Association of Township Trustees, one bill; the County Officers' Association, one bill; and the City Engineers' Association, one bill. Others submitted bills to promote the advancement of a certain line of business or profession such as title guarantors, undertakers and embalmers, Christian Science practitioners, bus owners, furnace manufacturers, cemetery operators, building and loan associations, mausoleum operators, engineers and surveyors, contractors, architects, cosmetologists, shorthand reporters, motion picture exhibitors, medical society, apartment house owners, teachers, bankers, and filling station operators.

The railroad lobby sponsored six bills; the Hamilton County Republican Organization, one; the State Automobile Association, one; the Citizens' League of Cleveland, four; the Cleveland Chamber of Commerce, one; the Youngstown Chamber of Commerce, one; the Ohio Conservation Council, one; the Better Business Bureau of Cleveland, one; the Ohio Chamber of Commerce, four; the Cleveland Consumers' League, one; the American Legion, one; the State Police and Firemen's Association, four; the State Conference on City Planning, one; the Imperial Council of the Mystic Shrine, one; the Ohio Federation of Labor, four; the Dayton Bureau of Municipal Research, one; the Ohio Good Roads Federations, one; the Farm Bureau and Grange, three; the Brotherhood of Railroad Trainmen, two; the Humane Society of Ohio, one; the League of Women Voters, one. Some of the bills which have been classified here may belong to the group prepared by individuals. These are the ones introduced for the Morris Plan Bank of Cleveland, the Cincinnati Southern Railway, the American Insurance Union, the Cleveland *Plain Dealer*, Western Reserve University, the Youngstown Sheet and Tube Co., and the Singer Sewing Machine Co. Two bills were introduced at the suggestion of national organizations—the Russell Sage Foundation, and the National Deaf-Mutes' Association.

Of the ninety-nine bills which originated with these citizen organizations, the senate passed fifty-five. Of these the house passed only twenty-nine, two of which were vetoed by the governor. These organizations were, therefore, able to secure the enactment of 27 per cent of their bills. If all the 119 bills which originated from unofficial sources are grouped, this percentage is reduced to 24. This compares rather favorably with the percentage of success of bills originating with official sources, namely 30 per cent. The success of this privately framed legislation is much greater than that framed and introduced by the members of the assembly themselves, which it will be recalled was 8 per cent.

CITIZENS' ORGANIZATIONS IMPORTANT SPONSORS OF LEGISLATION

The facts which have been set forth suggest that citizens' organizations are becoming an important influence in the framing of state legislation. Just as political parties arose to supply a need for nominating machinery, so these unofficial organizations are springing up to supply the machinery for making the will of the people effective. It may well be that they will have to be regulated by law, just as parties have been. Steps toward this end have been taken in Ohio through the enactment of a law for the regulation of lobbyists. It is significant that in the list of 111 lobbyists registered with the secretary of state under the provisions of this statute, practically all of the organizations which were mentioned by the senators as having requested the introduction of bills were represented. It also seems significant that each of the senators interviewed stated that besides the bills he had introduced he had refused to introduce others for such organizations. If there is to be a growing tendency to shift the burden of drafting legislation to the unofficial organization which desires it, it should be possible for every bill so prepared to be presented for consideration. Perhaps it would be well to consider abandoning the fiction that the member must be the author of the bill, and frankly recognize, as Massachusetts has done, that legislation should originate with the people, permitting its submission through petitions.

MOVIES SOCIALIZED FOR TOWN'S BENEFIT

BY C. C. BAYARD

Hanover, New Hampshire, builds sidewalks, maintains shade trees, buys fire apparatus from profits of a motion picture monopoly.

HANOVER, NEW HAMPSHIRE, is a beautiful elm-shaded college town such as can be found only in New England. Everything centers around Dartmouth College. Prior to 1922 it boasted one privately owned moving picture theatre. In that year application was made to the precinct commissioners (the built-up section of the town has a separate administrative and tax district called the precinct) for permission to open another moving picture theatre.

After investigation of the books of the established theatre the precinct commissioners were convinced that, though there were sizable profits for one theatre, both would suffer loss if a new one was admitted. They could, however, hardly refuse the applicant a license.

Faced with this situation the commissioners saw the possibility of having only one theatre in the community and devoting the profits to the benefit of the people as a whole. This meant virtually a monopoly run by the town.

Under the laws of New Hampshire the town itself could not enter the movie business. The precinct commissioners, therefore, called in twenty of Hanover's ablest business men to discuss the problem. They decided to form a corporation to take over the theatre, the profits to be used for the improvement of the town. Thus was conceived the Hanover Improvement Association, composed of twenty self-perpetuating members who elect a board of directors who in turn select a manager. The Association leased the theatre and business for five years, and have since renewed the lease for ten years.

The experiment has been remarkably successful in spite of the fact that the theatre-going section of population leaves the town in the summer. But there are peculiar elements in this case that might not be found elsewhere. The theatre business in Hanover is pretty nearly a case of perfect monopoly. It is quite ideal on both the demand and supply sides. Hanover, an isolated town, depends on itself for its social life. About the only opportunity for paid amusement is the movies and the habit of daily attendance has grown among many students. That four shows a day are put on in a town of four thousand clinches the point.

HOW PROFITS HAVE BEEN SPENT

The Hanover Improvement Association has been extremely fortunate in its members. The ablest business talent in town give their services free. It is a question whether the board of directors would include such talent if they were selected by the voting population. Furthermore, the Association has been very fortunate in its manager.

Some of the profits for the seven years the Association has been going are used to build sidewalks. The trees of the town, which contribute much to the beauty of Hanover, have been cared for yearly. The Association has purchased three large pieces of fire equipment and has aided in building a grade school. Next year plans are being made to construct some badly needed roads. The success of the scheme in Hanover has led a near-by town to try the same plan for the construction of a town hall.

It is not all clear sailing for the talkies have introduced a new problem, but the Association has proven itself adaptable and next fall Hanover will have the talkies.

THE PROSECUTING ATTORNEY IN OHIO —AN OBSOLETE OFFICER

BY W. E. BINKLEY
Ohio Northern University

Ohio conditions surrounding the county prosecutor's office are similar to those in most states. They are no credit to the political genius of Americans. :: :: :: :: :: :: :: :: ::

THE legal qualifications of the prosecuting attorney in Ohio are merely that he must "be an attorney and counsellor-at-law duly licensed to practice in Ohio."[1] Sometimes an indifferent student of law has, after repeated attempts, passed the bar examination and been immediately elected prosecuting attorney. Cases are not unknown of young lawyers who have entered upon the duties of this, the most important county office, in the same year that they ceased to be infants as that term is used by men of their profession.

PROSECUTOR AS LEGAL ADVISER

Upon entering his office the prosecutor in Ohio finds a wide range of duties assigned to him by the statutes. In the first place he is the legal adviser of the county officers and their legal representative in all litigation to which the county is a party. It frequently happens that the rest of the county officers are not of the same political party or faction as the prosecutor. Especially embarrassing is this situation in the case of the county commissioners who frequently need legal advice. They have charge of the strictly business end of county government, and it should be possible for them at all times to turn with confidence to their legal adviser. But under the elective system the prosecutor may be their bitterest enemy plotting their ruin.

The commissioners can engage another adviser only when the prosecuting attorney in writing requests them to employ counsel to assist him in such prosecution of another county officer. The courts hold that in the absence of specific statutory provisions "the county commissioners have no power to employ special counsel to represent the county in a specific litigation, *even though such employment might be in accordance with the interests of the county.*" To such a pass has the doctrine of "a government of laws and not of men" carried us. Without in the least questioning the soundness of this judicial interpretation, we can safely say that such a condition represents the abdication of reason and sanity in government.

---

[1] Page and Adams: Annotated Code of Ohio (1912), Section 2910.

It would seem that there should be a bond of intimate confidence and responsibility between the client, in this case the county commissioners, and their counsel, the county prosecutor. But one looks in vain for lines of responsibility here. One might think there was one in Section 2926 of the General Code of Ohio where the prosecuting attorney is required to give a summary of his work in an annual report to the county commissioners. The writer found that the prosecutor in one of the most populous counties in Ohio had never heard of this statute, and it is probably a dead letter throughout the state.

The prosecuting attorney is the adviser of all other county officials and county boards. The county treasurer, faced with perplexing legal problems, is frequently under the same political difficulty as the commissioners. Since he is held strictly accountable for any mistakes in his office, he may be forced to hire dependable counsel out of his own salary, and other county officers may be compelled to do likewise.

The prosecutor advises all township officers, village school boards, and the board of deputy state supervisors of elections. This last board is strictly a state organ for which the state uses the county merely as an administrative district. It would seem erroneous to make this state appointive board subject to the legal advice of a popularly elected local official.

THE PROSECUTOR AS PROSECUTOR

The second large field of duty of the county prosecutor is his obligation to prosecute all offenders against the state. Here he appears as an agent of the state to bring to justice those who offend against its will. It would not be unreasonable to expect some lines of responsibility running to the chief prosecutor of the state, the attorney general. Indeed Section 2925 of the General Code of Ohio declares that the attorney general may require of the prosecuting attorney a report of his work for the year. But the Ohio prosecuting attorney referred to above had never heard of such a statute. Apparently the attorney general never calls for a report and it is difficult to see of what practical value it would be to him if he did.

The electorate of the county manifest great interest in their commissioners, their sheriff, and their prosecuting attorney. Perhaps they are most interested in their prosecutor. By what standards do the electorate measure him? If one opens *Who's Who* and turns to the name of James A. Reed, senator from Missouri, he reads, among other things, "prosecuting attorney, Jackson Co., Missouri, 1898–1900; tried 287 cases and secured conviction in 285 of them." How often do we find a similar record advanced as the chief reason why a certain prosecutor should be reëlected or elected to some higher office? Here, at least, we, the electorate, seem to be scientific in our method. We have a system of scoring the efficiency of the prosecutor. We use, you might say, a statistical method. Mr. Reed was 99.3 per cent efficient. In his case the reward came immediately. *Who's Who* continues as follows: "Elected 'reform' Democratic mayor of Kansas City, 1900–04." A few years later he becomes United States senator. Is it surprising that Gilbertson says: "American communities reserve high political honors for the most efficient and best advertised man-hunter"?[1]

---

[1] Gilbertson, H. S., "Elements of the County Problem," *Annals of the American Academy of Political and Social Science*, XLVII, May, 1913, p. 13.

What becomes of justice under such circumstances? Is it too much to fear that the prosecutor is sometimes carried away by the spirit of the game, the game of man-hunting which the public stands so ready to reward with high political honors? Is there not in the following Michigan court decision a hint of what sometimes happens? "The prosecuting officer represents the public interest which can never be promoted by the conviction of the innocent. His object like that of the court should be simply justice; and he has no right to sacrifice this to any pride of professional success."[1]

THE QUESTION OF RESPONSIBILITY

Some hint has already been given of the prosecutor's "irresponsibility," the difficulty with which he can be held accountable or made responsible to any one for his official conduct. He is, as has been already indicated, a state official obligated to see that the sovereign will of the state is obeyed. But he is elected by the votes of the county, and naturally feels more obligated to them. Often he is elected as a candidate tacitly pledged to "liberal" law enforcement. To state it bluntly, he sometimes holds out to the voters the promise of nullification of state law. This is what Professor James means when he says, "He personifies the local veto power."[2]

A prosecutor who regards highly his duty to the state is sometimes severely punished by the electorate. There is the case of an Ohio prosecuting attorney who by a shrewd ruse prevented a mob from hanging a sheriff who was ready to die before he would surrender a prisoner which the mob wanted. The noose was around the sheriff's neck, the rope was strung to a lamppost, and only the success of the prosecutor in persuading the sheriff to reveal where he had concealed the prisoner saved the sheriff's life. The prosecutor, without the sheriff's knowledge, had changed the place of concealment of the prisoner, and when the mob went to the place indicated they found they had been tricked. The writer of this article was an eyewitness of this disgraceful affair, but he had his consolation in noting that while the police seemed powerless the prosecutor was busy. While he was planning and executing the stratagem by which the sheriff's life was saved and the prisoner spirited to safety, he was also collecting evidence against the would-be lynchers. And so effectively did he do this work and so vigorously did he prosecute the rioters when they were brought to trial, that the county soon had a good-sized delegation in the state penitentiary. But the sequel to this magnificent work of the prosecutor is a sad commentary on county government. Here was a prosecutor who did his duty to the state. He was a Democrat in a strongly Democratic county. In all the history of the county there had never been a Republican prosecutor. But at the next election this prosecutor, serving his first term and, of course, a candidate for a second term to which he was by tradition entitled, was overwhelmingly defeated. Two years later he was again a candidate and was again defeated. His faithfulness to duty had permanently disqualified him for the office.

NEGLECT OF DUTY ENCOURAGED

The trouble is that county government is so organized as to encourage neglect of duty to the state. Let us note, in that connection, the prosecutor's relation to the grand jury. Theoretically he is their adviser; practically he is their dictator. No doubt he is usually a benevolent dictator, but sometimes he is not. How often do we hear of the father of a young scapegrace, who gets into trouble, hastening to the prosecutor to see what "pull" can do to save the young culprit from prosecution? If the father is a political power, the prosecutor is brought under strong pressure to shield the wrongdoer.

---

[1] *Hurd* v. *People*, 25 Michigan 405.

[2] *Local Government in the United States*, p. 148.

This "unhampered discretion" is one of the amazing features of this important office. One reads it between the lines of the statutes, and it shows forth in the court decisions relating to his duties. It is almost impossible to get a lazy prosecutor started. It sometimes requires a peremptory order from the judge. And it is just as difficult to put the brakes on an overzealous or too-officious one. He exercises broad discretion as to if, when and how he shall act.

The difficulty in getting a prosecutor to act appears from Section 2922 of the General Code of Ohio by which, when a prosecutor refuses to do so, a taxpayer may institute action to prevent misuse, actual or threatened, of county money or property or the making of an illegal contract by a county officer. This statute is a monumental proof of our inability to compel a prosecuting attorney to do his duty. In effect, this law says that if the prosecutor won't prosecute, a citizen may do it for him, and the statute concludes, with unconscious irony, "such action shall be for the benefit of the county, *as if brought by the prosecuting attorney.*"

HARD TO REMOVE

The removal of a prosecuting attorney from office is a very difficult matter. If he is merely lazy or utterly incompetent his position is simply impregnable. The method of removal is prescribed in Section 2913, General Code of Ohio. A taxpayer may file charges of "wanton and willful neglect of duty or gross misconduct in office," with the court of common pleas. There is a hearing at which evidence is presented. A prosecutor who is bad enough to be haled into court is usually bright enough not to leave any incriminating evidence available. If he is found guilty he is removed from office. If he is not found guilty, judgment for costs is given against the taxpayer who made the charges. Surely government could be reorganized in such manner as to make it easier to get rid of an incompetent prosecuting attorney.

WHAT IS THE REMEDY?

And it is to this reorganization that we shall now turn our attention. A remedy is at hand for practically every evil we have pointed out. What we need is reorganization of the office of prosecuting attorney on the basis of well-established principles of administration.

The functions of the office are too divergent, and call for a division among two or three officials. The first of these should be a prosecutor of all state cases. He could well be called, as he is in some states, the commonwealth attorney. It is the duty of the governor to see that the laws are faithfully executed. This calls for his appointment of the prosecuting attorney, who should work under a state attorney general appointed by the governor. Those who fear the overthrow of democracy by such a change should be reminded that this is precisely the organization of our federal department of justice.

Why not for once accept the "federal analogy" where it is admitted to be at its best? There is something almost awe-inspiring in the expression, "a federal case." The system results in an almost uniform administration of justice throughout the land. It is good, not merely in spots as in the state. Local "pull" as an influence to shield wrongdoers is reduced to a minimum. The prosecutor who sends part of a lynching mob to the penitentiary need not fear that the rest of the mob will "get even with him" at the next election. He would stand in awe of no one but the governor, who appoints and may remove him, and whose duty it is to "see that the laws are faithfully executed." A coördinate reform would be the appointment of sheriffs by the governor or the substitution of a state police.

Then there should be a purely county official, perhaps designated as county counsel, who should be primarily the legal adviser of the county board and should represent them in all cases to which the county is a party. He should be appointed by the county board. Just as we cannot imagine the president of the United States appointing a legal adviser whom he cannot trust, so we could expect the county board to feel safe in taking the advice given by their own appointee.

It is a curious fact that Ohio attempted something like this in an act passed in 1904. It provided that the board of county commissioners of any county might, if it deemed it advisable, employ legal counsel and the necessary assistants, which counsel should be the legal adviser of the board of county commissioners and of various other boards named.[1] This was invalidated by a court decision which held that this attempt to authorize the appointment of legal counsel by county commissioners contravened Section 2, Article 10 of the Constitution of Ohio, which provided that county officers must be elected by the electors of their respective counties. In Ohio, as in many other states, such a reform must wait upon the development of sufficient public opinion to amend the constitution.

In order that the other county officers might accept this county attorney's advice with confidence, the county government ought to be reorganized in such a way as to bring complete harmony and confidence throughout the whole body of county officials. This could be accomplished by making the administrative officials of the county subject to the popularly elected board of commissioners, who should appoint and discharge these officials.

Under this plan the commissioners, who make many contracts, would virtually have their own legal adviser, and could be held strictly accountable to the electorate for the conduct of their office instead of "passing the buck" to the prosecutor as they do now.

[1] *97th Ohio Laws*, pp. 304–306.

DETROIT'S "BARBER SHOP" VOTE—A REPLY TO MR. JONES

WITH REJOINDER CRITICIZING PUBLICITY METHODS IN MUNICIPAL GOVERNMENT AND SUGGESTING A REMEDY

BY WILLIAM P. LOVETT
Executive Secretary, Detroit Citizens' League

REJOINDER BY HOWARD P. JONES
Public Relations Secretary, National Municipal League

Howard P. Jones' article in the June Review, analyzing campaign publicity used prior to defeat of Detroit's rapid transit proposal by the people, April 1, nicely pictures our situation. The article might be amplified with a few facts of further information and analysis, plus a conclusion by a Detroiter of the sort that Mr. Jones naturally declines to offer: it is the stay-at-home vote, the so-called intelligent but generally inert majority, which constitutes the greatest liability on American cities.

RESULT OF ELECTION DID NOT MIRROR OPINION

"*Public opinion is made in the barber shops of Detroit.*" This quotation from the campaign publicity of the opposition to rapid transit, as an explanation of the result April 1, is not even a good half-truth. It was "barber shop opinion" which *registered* against the rapid transit plan. The plan was defeated by a vote of 90,439 to 35,416. Detroit had registered prior to April 1 more than 400,000 voters, all of whom had registered subsequent to July 1, 1928.

The grand total of all votes cast April 1 was less than 126,000. The barber shop vote was less than one-fourth of the total possible vote in Detroit. Where were the rest? *It was a case of the inert majority overcome by an effective minority.*

Mr. Jones quotes the so-called "Committee of Fifty-one," which believes that it was responsible for defeat of the rapid transit plan. So far as Detroit is concerned nobody knows who are the Committee of Fifty-one. Its chairman, H. A. Starret, for ten years has been a voice in opposition to every progressive movement of consequence adopted by Detroit during the decade of the present strong-mayor, small-council charter. But Mr. Starret refuses to disclose the names of any of his associates in the committee. Even in Detroit it is an absolutely secret organization, representing a conglomeration of small neighborhood groups on the fringe of the city, including small retailers and no doubt hundreds of barber shop operators, whose publicity made its appeal effectively to *hoi polloi* as against the paid advertising and press articles of the Rapid Transit Committee and downtown business groups.

Ordinarily Detroit has two elections, with a preceding primary, each year. The spring election universally brings out only a light vote for the selection of judicial and school board officials principally, and some minor state officers. Evidently the rapid transit proponents blundered in submitting the question at the spring election. Their blunder consisted of reposing faith in the majority of citizens who, it was believed, would come out and vote on so important a question as rapid transit, and would be more likely to cast an intelligent ballot if the question were not confused by other issues and numerous candidates at the fall elections. Besides voting on rapid transit the people elected four of the seven members of the city board of education and also chose judges in the circuit court, recorder's court and justice court to the number of nearly thirty.

ONE-FOURTH VOTED

It is evident that the election was of outstanding purpose when viewed intelligently and should have made a broad appeal to the entire city instead of bringing to the polls about one-fourth of the qualified electors.

Murray Seasongood, mayor of Cincinnati, on a recent visit to Detroit, expressed amazement at our lack of appreciation of our municipal privileges, opportunities and governmental freedom. He noted our honest election system, our actual rather than nominal nonpartisanship in city government, freedom from dictation by private corporation interests, a state home-rule system which grants full liberty to all municipalities, and particularly our freedom from domination by political machines or other organizations of bipartisan or even nonpartisan character. Political campaign organization in Detroit is almost entirely a matter of personal following, popularity, press publicity, and the like.

It is evident that Detroit should enjoy its happy situation as a real democracy. But the election of April 1, including choice of important public officials, as well as a decision on a rapid transit plan involving about $100,000,000, in the first instance, puts a terrific strain on the optimism of the municipal idealist. Regardless of the merits of the transit plan submitted, the result suggests Carlyle's reported comment as to the people of England: "Thirty millions, mostly fools."

"Passing the buck" is the general charge of the average citizen against men in public office. But the fact is that the majority of citizens who are taxpayers as well as voters set the example in evading responsibility when they ignore important elections because they happen to be more interested in their golf score, bridge game or the latest moving picture sensation.

HOW CAN THE VOTERS BE REACHED?

Mr. Jones has started something. The man who can finish what he has started has yet to arise as a discoverer or inventor of any publicity method which will convey adequately to the voters enough facts, with sufficient interest, to get adequate expression of real public opinion from at least a majority of the qualified voting population.

Surely Detroit is made up, as Mr. Jones says, of a miscellaneous, cosmopolitan population. The results do not show, however, that Detroit was dominated April 1 by "overalled figures, men wearing sweaty blue shirts or coarse flannel jackets, women cooking over hot stoves, men shovelling, men pulling levers, men turning cranks, men oiling machinery," except as these types *and others* chose to express themselves at the polls. There is plenty of evidence to show that the inert majority included as many of the common people as of the so-called upper or intelligent classes. It just happened that in a light vote, which should have been anticipated, thousands who were opposed went to the polls, and those who were in favor of rapid transit simply did not care enough about it or about the important public positions to be filled to cast any ballots whatever.

This is the real problem: reaching the

average man, and reaching his emotional interest as well as his intelligence, in such a way as to make him a voting citizen rather than a slacker. So long as this problem remains without solution every voting unit in America will show a good many cases of April Fool elections.

ADD PROFESSIONAL PUBLICITY OFFICIAL TO LIST OF MUNICIPAL EXECUTIVES

BY HOWARD P. JONES

MR. LOVETT has raised an interesting question. How can the average man be reached with governmental facts?

If we look to the "stay-at-home" vote, not only is it necessary that we reach these people, but reach them in such a way as to force them to act.

A writer of advertising copy is likely to toss a well-written advertisement into the waste basket unless it accomplishes three things: first, it must command attention; second, it must create a desire; third, it must stimulate the reader to action.

ADVERTISERS HAVE A SIMILAR PROBLEM

Reaching the "stay-at-home" voter is the attempt to do a similar job, though for a different purpose. But in doing a similar job, similar methods may be employed. Political scientists can take a page from the book of the advertising man when it comes to using simple and direct methods of publicity. We do not have to go so far, perhaps, as to put pictures of beautiful girls on the covers of governmental documents, but it must be admitted that the latter would attract far more attention, so designed.

Let's see specifically what we are up against in this matter of reaching the "slacker" voter, as he has been called. Is it simply the necessity of beating into his hide his duty as an American citizen? After all, why does a citizen stay away from the polls? Thoughtlessness, undoubtedly, in many instances. But, in general, is it not because *he would not know how to vote if he went?*

If we are to accept this, the problem then becomes not one of flaying the citizen for his neglect of duty, but one of discovering the reasons why he does not know how to vote, and having ascertained these reasons, of figuring out a solution—just as the advertising man decides why the public is not buying a certain product and proceeds to meet the objections. It is a simple matter to throw such considerations out of the window, but we can't solve our problem by avoiding it.

It seems a reasonable conclusion that the lack of interest on the part of the voter in public affairs is due not primarily to lack of desire to do his duty, but to a lack of information as to what his duty is, or as to how to perform it even if he knows.

All of which probably is an academic way of saying that the voter must be reached by getting information to him that will interest him.

The advertising man knows how to do this, the playwright knows how, the newspaper editor knows how—the issue must be simplified by dramatization! It would be possible herein to outline specifically a publicity campaign making use of all existing media for this purpose, but any set formula might fail to apply in a given case, since there is nothing more variable than human opinion and the ways in which it is influenced.

Let us rather attempt to suggest lines of thought along which the problem of the non-voter may be solved, rather than to essay the impossible in an effort to find a stated panacea.

I am not one to say that there is a solution to our problem. Perhaps democracy as usually pictured must fail because governmental problems are, first of all, too complex for the average voter to understand; and, second, so uninteresting that he wouldn't try to understand them if he could. Perhaps we are in a cañon from which there is no exit but the way we came in. I do not know. What I do know is that here is a possibility—a path that has never been followed, and that, if there is a way out, this has as good a chance of being the route as anything else. At any rate, let's investigate it for a moment.

There are two distinct angles from which this matter of publicity must be approached: first, from that of existing city government; second, from that of its opponents. We need to worry about the difficulty an efficient city government has in convincing the voter of its efficiency and thereby obtaining his support, for we will admit that most political campaigns are fought upon bogus issues. We need also to worry about the difficulty that opponents of an inefficient city government have in obtaining the facts about that government and getting them across to the electorate. And we can't forget the misuse of the power of publicity by the politician. He already knows what we've been talking about, and for a long time has been putting his hand into the advertising man's bag of tricks. One serious snag in the way of an intelligent solution to the whole problem is, of course, the difficulty of safeguarding the public interests on both sides of the fence; but let's forget that for the moment.

A PERMANENT PUBLICITY DEPARTMENT FOR GOVERNMENT

Look, instead, at the need of the existing city government with regard to publicity—is it not to give the average citizen the facts of administration in a clear and comprehensible manner? The same need exists in every business today. There is no reason why the public business should be an exception. In order to get those facts across, there is as much necessity of continuing publicity as in the case of a commercial product. Spasmodic efforts are largely wasted.

Why, then, does not the municipal business do about the matter just what private business has done—in other words, establish a permanent publicity department? Such a department headed by a director, or consisting of simply a director and one or two assistants, could act as a mediator between the administration and the public. The department could study the facts of administration and present these facts in simplified form for the public to digest.

Such a department should be a great asset to a community. One of the most common complaints heard concerning governments is the difficulty of getting information about them. The publicity department would have as its job to provide all such information to keep the citizen informed on current developments.

Of course, the obvious argument against this practice would be that politicians would quickly seize upon it with exclamations of delight and abuse it to further their own interests. Proper safeguards, however, as to qualifications for the office and specifications concerning the term of office, could be erected just as they are erected about the city manager in that type of municipal government. Certainly its advantages, at least from an experimental standpoint, greatly outweigh its disadvantages. The publicity director, trained in ways and means of reaching the public mind, could readily become sufficiently expert in municipal administration to understand its operation and interpret the significant facts to the public. From the cities' point of view, for example, the merits of any controversy could be quickly sketched for the newspapers. Furthermore, the information would be continuing.

Now look at our problem from the opposite point of view, that of the outsider wishing to get facts about inefficient or corrupt administration. It seems not impossible for a tradition to be built up around the office of publicity director that would exclude the publication of inaccurate information. In fact, that tradition would have to be established if the publicity director were to carry out his function as suggested here; otherwise the office would be of doubtful value. The legislation creating the office might cover this point, as well as that of requiring the director to supply, on request, information concerning statistical facts of the administration to representatives of taxpayers' groups.

Perhaps the reason this suggestion has not been brought forth seriously by public officials is their fear of the resentment such a move might create among taxpayers. Waste of money! The idea of paying taxes for a department which would have as its chief business the creation of favorable publicity so that existing officials might keep their jobs! Such reactions as these would inevitably result, they point out, and no effective counter-argument exists.

POLITICIANS WILL NOT WELCOME THE IDEA

As a matter of fact, is that the situation? Isn't there an effective counter-argument? Haven't the politicians turned over the loaf of bread to find the spear underneath? Haven't they seen that any recognition of the fact that the public has a current right to governmental information must inevitably hamper them in their activities in the twilight zone of patronage, favoritism, "legal" graft, and the rest? Haven't they deliberately overlooked the fact that the public would unquestionably welcome a public official whose job would be to act as an information bureau, a liaison officer between the taxpayer and the complications of the administrative machinery?

While it is unquestionably true that this official, if the appointment were political and the term of office at the mercy of the appointing power, would be responsive to pressure from above, need this criticism hold if the appointment were made by an administrative officer, the city manager, for instance? Or the position might be one of the higher posts under the merit system. Here again the politician scents danger. To have an official, wielding so much power as a publicity director, considering primarily the administrative rather than the political aspects of information, smacks too much of strengthening the administrative machinery at the expense of the spoilsmen. Credit might be too apt to go where credit was due.

Numerous other considerations might be brought up at this point, but there is not space here to go into them. Suffice it to suggest in conclusion, that if there is any way in which to solve the problem of the "stay-at-home" vote, it lies in following methods of those who for years have stirred people to action by means of well-keyed and continuing publicity. The term "well-keyed" involves, first, the commanding of attention and interest; second, the creation of a desire; and third, the impulse to action. The word "continuing" implies some sort of permanent officer or department whose job it is to make government interesting to the people.

I have left wide open the part the politician may play other than to suggest possible safeguards of law and tradition. It is therefore a simple matter to sweep aside the entire suggestion on the broad ground of "impracticability." However, it is worth considering that matters could hardly be much worse than they are, from the standpoint of the control of governmental publicity by the politicians. It is worth remembering that campaigns which are decided upon their real issues are now almost legendary. The politician has never been without his megaphone—the business-like administration has never had one. The experiment, then, although acknowledgedly dealing with combustibles, should be sufficiently interesting and worth while for some progressive municipality to make.

RECENT BOOKS REVIEWED

GOVERNMENTAL PURCHASING. By Russell Forbes. New York: Harper and Brothers, 1929. Pp. 370.

A few years ago a Japanese editor reminded me of Bryce's statement that a great improvement had taken place in American municipal government during the twenty-five years following the publication of the *American Commonwealth,* and then asked me point-blank to explain how that improvement had been brought about. In particular, he wished to have the names of a few outstanding personalities associated with that advance—national figures of dramatic quality. In spite of the perdurance of great scandals, improvement had occurred in many directions, but so far as I knew no American student of government had ever gone deeply into the details of the process. Hence I could only guess at the answers to the Oriental questions. On reflection I could think of no "national figures of dramatic quality" associated with the development. In a democracy it is the work of unknown hundreds, not the front-stage gestures of heroic actors, that accomplishes fundamental results. For one thing, however, the area of technology in government has widened, forcing the application of scientific standards; not even Jovial Jimmie Walker would appoint a paving rammer to the office of chief bacteriologist in the department of water supply. It simply cannot be done. In the second place, the area of semi-technical operations is being widened by research and the establishment of standard methods in new fields. Herein lies our best hope: standards must be evolved and citizens must be informed of their existence. Undoubtedly we are on our way. The extent of the revolution in American thinking about government can be gauged by comparing the books and magazines dealing with the subject thirty years ago with the books and magazines now available for the training of students and practitioners.

In this relation, it seems to me, lies the significance of such books as this new volume by Mr. Forbes. It is not a "good government" book. It is a technical work, recording progress in a technical field, generalizing results, and foretelling lines of advance. It shows how to institutionalize correct procedures in an important department of governmental operations—the purchase of supplies—a department that disposes of from 20 to 30 per cent of the public revenues. It is not a theoretical book for democratic theoreticians. It has grown out of the practical experience and detailed researches of the author and is directed to officials charged with purchasing responsibilities and to citizens who would like to put their shoulders against something more substantial than fog. It will furnish no nutriment for our genial compatriots who take pleasure in Mr. Mencken's delightful outbursts of righteous indignation.

Mr. Forbes opens with a general introduction. He reviews the advantages and shortcomings of centralized purchasing. He then surveys the historical development and present status of the purchasing methods employed by federal, state, and local governments in the United States and Canada (the latter briefly). This out of the way, Mr. Forbes gets down to the technical aspects of day-to-day operation: the administration of the purchasing office, standardization of supplies for purchase, the determination of purchase requirements, purchasing negotiations, contracts and orders, inspection and testing, storage and stock control, and finally accounting control. The whole is crowned by an appendix of useful illustrative documents. The method of construction is a combination of actual description and ideal conception—what is, what may be, what should be. The result is a valuable contribution to the steadily growing understanding of technical possibilities in government. The circle of its influence will widen with the popularization and distribution of useful knowledge.

CHARLES A. BEARD.

*

PHYSICAL CONDITIONS AND PUBLIC SERVICES. Volume VIII, Regional Survey of New York and Its Environs. By Harold M. Lewis and others. New York, 1929. Pp. 209.

This is the final report of the survey of the metropolitan area of New York, the survey which has culminated in the monumental plan so ably discussed by Arthur C. Comey in the NATIONAL MUNICIPAL REVIEW for July. Somewhat more than the title implies is contained in the present report. In addition to surveys of geographical and climatic conditions, and several public services, the book reviews planning in the region and gives the concluding observations of Thomas Adams, the general director, on the regional survey.

"Informative" seems an inadequate word to describe the material presented in the report. It is packed with information but information expressed in Brobdingnagian terms. There may be only as many kinds of physical conditions and no more types of public services than would be discussed in a report on a much smaller area but the vastness of territory, millions of population, tremendous quantities, and huge sums of money seem to place the report among the encyclopedias.

Part I describes geographical and climatic conditions. The section devoted to geography shows the effect of these physical conditions on the development of Manhattan and the region. Section two of Part I describes climate, not omitting to recognize that laymen frequently refer to the high, prevalent humidity and that there is little of scientific data to support them. While the report is not entirely clear on the relation of climate in the region to development, one gathers that it is no obstacle.

The second part describes water supply and sewerage problems. Existing facilities in the region are first reviewed, the development of comprehensive systems is then discussed, and finally the future regional requirements are presented. Part III is devoted to problems of refuse disposal and oil pollution of harbor waters. The fourth part comprehensively surveys power, light, and other supply services, not forgetting superpower and its probable effect on decentralization. In this part is the discussion of the supply and distribution of commodities including food and building materials. The distribution and site requirements of hospitals and prisons form the subject of the fifth part which completes the discussion of public services. Surveys of other public services have been previously reported.

Parts VI and VII are devoted to planning. The first of these is an interesting review of the history of planning in the New York region. In Part VII the limits and difficulties of the regional survey and the problems requiring further investigation are described. Also, the report here points out the continuing character of legal and public relations work and shows that there is need, and hope, for more spacious forms of development.

The make-up of the volume, the printing, binding, and arrangement of material are pleasing and the book is beautifully illustrated. There is a summary at the beginning which gives the outstanding facts revealed by the investigation. It is a worthy presentation of a fine piece of work.

One is inclined to reverse the usual order and exclaim, "Farewell—Hail"! The regional survey is complete but the plan emerges.

C. A. HOWLAND.

✤

AN INTRODUCTION TO CONTEMPORARY CIVILIZATION IN THE WEST: A Syllabus, Seventh Edition. By Columbia College Associates in Economics, Government and Public Law, History, and Philosophy. New York: Columbia University Press, 1928. Pp. xxv, 330.

The Columbia College survey course in the social sciences required of all freshmen is now rounding out its tenth year. The fact that the present syllabus is the seventh edition indicates that the charge of rigidity and routine that is so often and justly made against college courses can not be maintained against this one. Probably more time and labor have been devoted to the organization and presentation of this course than to any other single course in any college. In the reviewer's opinion, this time and effort have produced excellent results. Continuous improvement can be noted in each succeeding edition of the syllabus.

The present syllabus illustrates the great advantages that can be derived from the coöperation of students trained in separate fields when they are induced to pool their resources and forget, for the time being at least, that the study of economics, history, politics, or philosophy is the only thing that matters after all. It has been wisely said that the philosophy of any department of learning depends upon its connection with other departments and must be sought in their points of contact. It is upon this sound principle that this course has been organized.

That the course in contemporary civilization has met with enviable success is indicated by the fact that the faculty of Columbia College recently decided to extend the course to two full years. This change has allowed a much fuller treatment of the historical background of contemporary life. The present syllabus is entirely devoted to the work of the first year.

The syllabus is divided into seven major sections: Introduction; Western Civilization in the Middle Ages; Western Civilization from the Middle Ages to the Seventeenth Century; Western Civilization in the Seventeenth and Eighteenth Centuries; Western Civilization in Europe in the Late Eighteenth and Nineteenth Centuries; Western Civilization in the United States, 1783 to 1865; and the Contemporary Scene, 1871 to 1928. The first six sections are studied during the first half year. To the last one the whole of the second half year is devoted. From the foregoing it is evident that the treatment of the course is historical. But it is history far removed from the usual sort. Special emphasis is properly placed on philosophical or intellectual history and on the basic economic factors that so largely determine the conditions under which people live.

One of the greatest difficulties in conducting a course that draws material from history, economics, politics, and philosophy, and even from the natural sciences, and attempts to fuse this into a well-organized whole is that of securing adequate readings. Existing textbooks seldom fit into this scheme of things. This difficulty has been met at Columbia by writing books that cover the material needed and by introducing into the syllabus itself brief but excellent sections of explanatory material.

E. D. Graper.

University of Pittsburgh.

◆

Report of the Tax Commission of North Carolina, 1928. Pp. 792.

This thorough and exceedingly comprehensive report on the North Carolina tax situation embodies a series of surveys covering the following subjects: the taxation of agriculture; the taxation of city real estate; the taxation of public service corporations; the taxation of intangible personal property; the taxation of banks; tax administration and tax delinquency; the inheritance and estates tax; the income tax; the taxation of highway advertising signs; tax levies and indebtedness, 1928—state and local; comparative burdens of taxation.

The Commission does not find the tax system of the state defective in any really important respects. It does issue certain warnings and suggests some changes. It believes, for example, that the state cannot with safety increase the tax burden upon business and industry by further taxes levied either by the state or local units of government. It likewise expresses concern over the burden of the property tax. With the hope of bringing about a material reduction in this tax, the Commission recommends that the state highway commission take over the maintenance of county highways and that an addition should be made to the gasoline tax which would be sufficient to maintain the larger system. Recognizing also that the public school system imposes a heavy burden on the property tax, the Commission advises an investigation of the operation of the school system with the idea of securing more economical and efficient methods throughout the entire public school system.

Other recommendations of the Commission include a genuine revaluation of property every four years; utilization by the counties of the valuations of the state board of equalization; the listing of taxes by mail; the amendment of the county government laws and the municipal finance act to prohibit bond issues for any purpose without submission to a vote of the people; a larger staff for the department of revenue in order to maintain income tax collection on a high level of efficiency; finally, the consideration of an amendment that would vest in the sound discretion of the general assembly the authority to adopt at any time such reasonable classification of any particular class of property as it may find to be just and in the interest of a complete and orderly enforcement and administration of the tax laws.

The real meat of this report is not to be found in the general findings and recommendations, but in the special studies and investigation. Students of the rural problem will find a valuable repository of data in the study on the taxation of agriculture. With the aid of field agents and competent enumerators, the Commission studied 1572 farms, and urges better methods of assessing and appraising farm property. While much has been written on the farm problem in the United States, substantial facts such as are set forth in this study of the situation in North Carolina have not been available. Another section of the report deserving of special commendation is the part dealing with the taxation of public service corporations. While more theoretical and academic than the other studies, it presents a careful analysis of the entire field of public utility taxation in North Carolina.

In the preparation of this report, the Tax

Commission had the assistance and coöperation of a distinguished corps of experts and specialists. The survey on the taxation of agriculture was prepared under the direction of Dr. G. W. Forster, professor of agricultural economics, North Carolina College of Agriculture and Engineering. Dr. Clarence Heer prepared the study on the taxation of public service corporations. Professor J. B. Woosley made the survey on the taxation of banks. Others who gave valuable assistance in the preparation of special studies include Professor C. P. Spruill, Jr., Dr. Roy G. Blakey, Mr. L. R. Gottlieb, Professor Albert S. Keister, and members of the Institute for Research in Social Science of the University of North Carolina.

Martin L. Faust.

*

MUNICIPAL REPORTS

Plymouth, Michigan. *First Annual Report under Commission-Manager Government for Year Ending December 31, 1928. Adolph J. Koenig, City Manager.* 35 pp.

For a first report this little publication surpasses those of many other cities which have been issuing annual reports for years. The treatment accorded the various activities indicates a well-balanced appreciation of the work involved in the management of a small municipality. The allotment of space is as follows: historical sketch, two pages; a brief review, five pages; the commission, two pages; financial review, three pages; public improvement program, four pages; public works department, two pages; one page each to the water, assessment, police, fire, public health, and legal departments; and, the treasurer's statements, four pages. The weak points in this otherwise very good report are: the lack of emphasis on important facts; and absence of charts and graphs, a table of contents, comparative data, and an organization chart.

Roanoke, Virginia. *Annual Report for Fiscal Year Ending December 31, 1928. W. P. Hunter, City Manager.* 95 pp.

This is the second annual report of this city reviewed in these columns, and it is gratifying to observe a distinct improvement in this report over the previous issue. However, there still remains much to be done in order to place it among the outstanding reports of the year. To begin with, the size of 8½ x 11 inches makes it inconvenient to file with similar reports published in the usual size of 6 x 9 inches. Other characteristics which tend to decrease its effectiveness are: scarcity of illustrative material, lack of an organization chart, lack of comparative data, and failure to emphasize the more significant facts. The features worthy of special commendation are: letter of transmittal which includes a paragraph on "suggestions for consideration," and the balance as between activities maintained in the content.

Syracuse, New York. *Annual Report for the Year 1928. Charles G. Hanna, Mayor.* 64 pp.

This report, prepared with the coöperation of the officials of the School of Citizenship and Public Affairs of Syracuse University, is in several respects quite unique. To name only one: it does more than report the work done and money spent, for it affords a means of offering suggestions for improving the services of the city. This latter is done by inserting "suggestion cards" which may be returned to the complaint bureau by the citizens receiving the report. The classification of their responses will be immensely interesting and may be significant.

The report opens with a letter of transmittal by the mayor, followed by two and a half pages of "Accomplishments of 1928" and one-half page of "Needs of the Near Future." A few pages are then devoted to the common council, city clerk, civil service commission, bureau of elections, and the like, previous to the reports of the several administrative departments.

The cover page carries the title, "Story of the Year." In the opinion of the reviewer this nomenclature is of doubtful value. Presumably this title is intended to lure disinterested people into opening the report merely out of curiosity. Even though some are led to a perusal of the report by means of this catch title, can they be fooled by it another year? It would seem a more sound practice to label a report a report, and make the context so interesting that its appearance each year would merit a wide and sympathetic reading.

It is not at all easy to criticize this report, for it reaches a high standard in report writing. It abounds with novel features. There is not likely to be a better report issued this year, and for this reason the reviewer strongly urges everyone interested in public reporting to get a copy.

Clarence E. Ridley.

REPORTS AND PAMPHLETS RECEIVED

EDITED BY E. A. CRANDALL

Survey of the Purchasing and Stores Department, County of Los Angeles.—By the Bureau of Efficiency of the County of Los Angeles, 1928. 139 pp. (mimeographed). A report to the county board of supervisors. The study is based upon scientific principles of purchasing, well known to successful business. Centralization, personnel, records and equipment, coördination and coöperation, organization and management, buying, standards and specifications, ethics, relation to selling public and accomplishment are the nine general subjects considered.

✣

Traffic Courts and Violations Bureaus.—By the National Safety Council, 1929. 37 pp. Suggestions prepared in harmony with the recommendations of the report of the committee on enforcement of the National Conference on Street and Highway Safety. The information was obtained from officials in more than 150 cities and from traffic violations bureaus and published articles and documents.

✣

India in 1927–28.—By J. Coatman, director of public information of the government of India, Calcutta, 1928. 461 pp. A detailed report prepared for presentation to parliament.

✣

A Survey of the General Civic Conditions of Colorado Cities.—By the Colorado Municipal League, June, 1929. 41 pp. Statistics covering cities with a population of 2,000 or more. Elections, taxes and assessed valuation, street lighting, water works, vital statistics, libraries, parks, police and fire departments and public works are among the activities considered.

✣

A Playground Handbook for Chamber of Commerce Executives.—By the Civic Development Department of the Chamber of Commerce of the United States, July, 1929. 72 pp. A pamphlet prepared to encourage a comprehensive playground system and to set forth a successful procedure for obtaining such a system. It includes also important factors in design and equipment.

✣

The Cost of Government, City of Detroit, 1929–1930.—By the Detroit Bureau of Governmental Research. 20 pp. (*Public Business*, vol. 4, no. 14, July 15, 1929.) A thoroughgoing summary analysis of the budget of Detroit for 1929–1930. Under the heading of "Your Tax Dollar" are presented the various percentages of the public revenues devoted to different specific purposes. There follow analytical tabulations of expenditures by all bureaus and departments.

✣

Classification Plan for the Classified Civil Service of the State of Maryland.—By the State Employment Commission of Maryland, Oliver C. Short, commissioner. 271 pp. A complete and detailed classification of all positions in the classified service of Maryland. Each position is listed by title, and treated under the following heads: duties (general), examples (of duties), and qualifications. In four appendices the positions are listed alphabetically, schematically, and by departments. The departmental listings give the number of positions of each class in each department and the various departments in which the positions occur.

PUBLIC UTILITIES

EDITED BY JOHN BAUER

Director, American Public Utilities Bureau

New York Investigation of Public Utility Regulation.—In the May number of this department, we announced that the New York state legislature had passed a bill, signed by the governor, for the creation of a commission to investigate public utility regulation in the state, and to report to the legislature any changes in the law that may appear desirable.

The commission consists of nine members,—three from the senate, three from the assembly, and three appointed by Governor Roosevelt. The senate members are: Senators John Knight, president of the senate, Warren T. Thayer, chairman of senate public service committee, and William J. Hickey. The assembly members are: Joseph A. McGinnies, speaker of the house, Russell G. Dunmore, majority leader, and Horace M. Stone. The appointments by the governor are: Messrs. Frank P. Walsh, James C. Bonbright, and David C. Adie.

Public interest has centered in the membership of the commission. All the legislative members are well known in New York, especially Senator Knight and Speaker McGinnies. Among the governor's appointees, Frank P. Walsh has been a well-known public figure for many years. He has been known especially as co-chairman, with former President Taft, of the War Labor Board, and as chairman of the industrial relations commission. Professor Bonbright has lectured for a number of years at Columbia University on public utilities; he has written extensively on the subject of valuation, and is a well-known economic authority in the field of regulation. Mr. Adie is executive secretary of the Council of Social Agencies of Buffalo, and was the governor's choice last winter as an independent Republican for membership of the New York State Public Service Commission.

This personnel fully assures a broad-gauged investigation, conducted from the public standpoint, along the lines desired by those who had sponsored the inquiry. The commission, during the early summer, organized and laid out a program. Its expressed purpose is to examine every important phase of regulation, collect evidence as to how it has worked, determine what defects have been experienced, and report a constructive program to the legislature. The scope of the inquiry will include, especially, valuation and rate-making, standards of inspection and service, the issuance of securities, and the problem of the holding company. Its object, as to each phase of the inquiry, is to determine just what the facts are, and what improvements should be made in the interest of the public.

The expectations of a thoroughgoing job from the public standpoint have been further supported by the appointment of counsel to the commission and of experts to assist in the collection and analysis of data. Col. William J. Donovan, former assistant attorney general of the United States, has been selected as counsel. He has publicly expressed the determination to make this a scientific inquiry,—to bring out all the facts from every important angle, and to make much practical recommendations as will make regulation a more satisfactory instrument of public policy in the state. His independence, impartiality, and practical judgment give assurance that this program will be carried out.

As to technical experts, the selection has included Dr. W. E. Mosher, director of the School of Citizenship of Syracuse University, and the editor of this department. During the past two years, Dr. Mosher made an extensive study of public utility regulation, especially with respect to electric power, and has just published the results in "Electrical Utilities—The Crisis in Public Control" (Harper & Brothers). Dr. Mosher thus brings to his position with the commission detailed knowledge and a broad grasp of the subject. His ideas, in the main, are in accord with those expressed in this department during recent years. His appointment and that of the editor make certain that technical data will be correctly presented, and public points of view fully expressed. Whether their ideas may prove acceptable in the legislative program as finally recommended is, of course, a matter that cannot be decided until all phases of the investigation have been fully presented, analyzed, and determined. The organization of the commission, the program adopted and the personnel furnish every safeguard that the job will be nonpartisan, conducted upon scientific and high public standards.

The investigation will, of course, be followed with great interest by students of public utilities all over the country. The work of this commission will serve, in a large measure, as a standard for reconstruction wherever dissatisfaction is felt with present regulation. Everyone interested in effective and sound regulation is, moreover, seriously invited to submit criticisms and constructive suggestions. All relevant opinions and data will be placed before the commission, and will receive full consideration in the final adoption of a legislative program.

◆

Public Interest in Regulation.—Increasing interest in public utility regulation is shown by the special investigation just described. New York was one of the first two states to establish (1907) a positive system of regulation. It happens to be the first to undertake a thorough "stock-taking," to find how the system has worked, what defects have developed, and what improvements are needed, after a period of over twenty years of experience.

Recent years have witnessed increasing criticism of existing public utility regulation. There has been growing realization that the system has not worked as satisfactorily as had been expected; that there are basic defects that should be remedied, in the interest of desirable public policy. The widening scope of criticism has appeared not only in economic and public journals, but also in public discussions, and in measures offered before the state legislatures. During this summer, for example, in the northwest, public utility regulation had a large part in the program at the annual meeting of the League of Minnesota Municipalities, at Austin, Minnesota. The program included a general conference on municipal utilities; a paper on present-day issues in public utility regulation, by Martin P. Glaeser, professor of economics, University of Wisconsin; "Franchises and Contracts," by Frederic B. Garver, professor of economics, University of Minnesota; a discussion of present and possible future of municipal ownership of electric plants, by Edward T. Morehouse, managing editor, *Journal of Land and Public Utility Economics,* Northwestern University, Chicago; and a paper by R. F. Pack, vice-president and general manager, Northern States Power Company, Minneapolis, on rate-making relationships of public utility corporations to municipalities.

During July, in the northeast, at the New Hampshire State University, Durham, New Hampshire, under the auspices of the League of Women Voters, there was an all-day round-table discussion on water power and regulation, presided over by Mrs. Harris T. Baldwin, chairman of the living costs committee of the National League of Women Voters, including Commissioner Goldberg, of the Massachusetts commission, among the principal speakers. There was also an evening program, devoted to present policies and methods of public utility regulation. The editor of this department was the first speaker. He emphasized particularly the lack of a definite "yardstick" to measure rates and to eliminate the conflict of interests in the ratemaking procedure. The side of the utilities was presented by Mr. Walter S. Wyman, president of the New England Public Service Company.

In the southeast, on July 30 in Atlanta, there was a meeting of mayors and municipal officers, who organized the "Municipal Utilities Rate Association of Georgia," to obtain more effective representation of the public in utility cases. The immediate objective is to oppose the extension of the "service charge" in that state, and to obtain fundamental reconsideration of that subject, in so far as that form of rate had already been approved by the public service commission in a number of municipalities in Georgia. The meeting had been called by Mayor Bell of Augusta. The chairman of the new association is William R. Lester, member of the city council of Augusta.

The purpose of this new municipal organization, however, is much broader than simply to oppose the service charge. It will be interested in bringing about more satisfactory regulation from the public standpoint. It is seeking to obtain a survey of regulation in Georgia along the same line as already provided for in New York. A resolution to that end had been introduced in the Georgia senate by Senator Felix G. Williams, following practically the New York resolution. The Municipal Utilities Rate Association is supporting this bill, and hopes to bring about its adoption by both houses of the legislature, with the signature by the governor.

In other states, critical and constructive interest in public utility regulation has emerged. The Leagues of Women Voters in most states have launched active programs of study. This includes public discussions by available authorities, and will be based, principally, on a prepared course outlined by the National League committee, supplemented by the leading economic works on the subject. Various other public organizations, many students, and public officials are devoting increasing attention to public utility regulation. The signs are plentiful that this important field of governmental activity will be reconstructed along lines much more satisfactory than the system which now generally prevails.

◆

Bigger,—and Better Holding Companies?—During June, announcements were made and rumors set afloat with respect to a huge New York state power merger. This involved J. P. Morgan & Co. and its previously organized United Corporation. It includes the consolidation of virtually all the power interests throughout the upper and central part of the state.

The new agency of consolidation is the Niagara Hudson Power Corporation. It brings together, through exchange of stock, the Buffalo, Niagara and Eastern Power Corporation, the Northwestern Power Corporation, and the Mohawk Hudson Power Corporation, together with the many subsidiaries of each of these major companies. The combined book value of all the properties is said to amount to $565,000,000. The merger will bring about a wide hook-up of present electric properties—and reports say that it will lead to a connection with New York City, where all the electric companies have already been brought under a single control.

This huge consolidation under the auspices of J. P. Morgan & Co. raises, of course, grave questions of legal and economic policy. This vast unification of control has been brought about with little or no direct consideration of public interest, at least so far as the public service commission and other public authorities are concerned. Whatever possibilities of public good or harm there may be in the merger, this is a factor that has not been directly weighed by any public authority. Here is one of the serious gaps in the present public service commissions law, which, doubtless, will be fully explored by the legislative investigating commission, and will be more adequately provided for through revised legislation.

As to economic policy, there can hardly be any doubt that greater efficiency and public advantages can be attained through this huge consolidation. It will bring about not only a common capital development and a better utilization of facilities, but will produce a better demand and load factor for all of the properties; will make attainable a higher-grade management throughout, and will make feasible a policy of combined construction, purchase of materials, and financing. Thus there are vast possibilities of economy which may, to a large extent, be passed on to the public in reduced rates and better service.

Here again, however, is the difficulty in our present system of regulation. There is no direct assurance that any of the economies available and achieved through this larger organization will be passed on to the public within a reasonable period in the future. The huge system will, indeed, be in a stronger position to head off rate reductions than would the smaller individual units. It is not, of course, our intention even to insinuate that the new consolidation will be used against the consumers. On the contrary, we believe that under responsible financial heads it will probably serve the public better than would the smaller independent properties.

Our system of regulation, however, should make sufficient provisions to protect the public interest in connection with any consolidation and merger. If larger economic units are desirable because of greater efficiency, then more effective public organization is necessary to preserve the public rights in harmony with the greater economic power centered in a single management.

◆

Worry for the Consumer?—We have had an inquiry from Clinton, Iowa, about "rules and regulations regarding electric and gas service." The inquirer says he has little difficulty in getting information from the companies on what he calls "the utility side of the question." He is seeking, however, "some rules and regulations drawn up by some consumers"; and hoped that he would be able to get information from us from the standpoint of the consumers.

The inquirer has struck the real difficulty, which is indeed hard to deal with. He should, of course, be able to go to the public service commission for any information affecting consumers. Apart from the fact that Iowa has no such commission, there is, in any case, a lack of close and immediate contact to enable the consumer to get information that satisfies his uncertainties. While the commissions have done a great deal in smoothing out consumer difficulties, they have not been able to serve as the active consumer agency that was intended originally by the system. Here is another point that will receive investigation by the New York commission, and stands out sharply for consideration everywhere throughout the country.

We were not certain that we could furnish the information sought by the Iowa consumer. We tried, however, to set before him the more important facts that are involved in "rules and regulations drawn up by the consumers." Hoping that our efforts at reply may be of use to others, we present them as follows:

> So far as electricity is concerned, there is little room for conflict between the public and the companies, so far as service standards are concerned. The unit of service is the kilowatt hour, which is an exact quantity, subject to precise measure. The only question from the consumer's standpoint is whether the meter is accurate, and whether the quantity of electricity used is correctly stated. For the protection of the consumer, therefore, it is necessary that the meters be checked periodically for accuracy of recording.
>
> The consumer, naturally, must watch on his own account, so as to catch any exceptional readings that are out of line with his usual quantity of consumption. Besides the regular inspection of the meters to assure accuracy of recording, there is also the matter of voltage. Usually the voltage for domestic lighting is 110. It is necessary to keep up the voltage. If the voltage is not kept up, then there may be a volume of electricity recorded which does not give the quantity of light or power to which the consumer is entitled under the standard voltage. These are matters that should be checked under commission inspection.
>
> So far as electric rates are concerned, they should be based upon the cost of service, including a fair return on the property. It is, however, a difficult technical matter to determine the cost of domestic service as distinguished from commercial and manufacturing load. The differentiation of rates between domestic and other consumers is a question that has received a great deal of discussion during the last few years. Personally I am of the opinion that domestic rates are generally excessive throughout the country, and should be reduced. I believe they are badly out of line as compared with other electric rates. This, however, is a matter of specific cost analysis for each individual instance, and cannot be determined merely upon general principles or comparisons.
>
> With respect to gas service, again the standards from the consumer's standpoint are simple,—but they must be checked up regularly for the protection of the public. What was said above in regard to meters, applies also to gas. The service is measured by the number of cubic feet of gas used. This is a matter of exact measurement by meter. It is necessary that the meters be regularly examined so as to assure accuracy of recording.
>
> In the case of gas, content is more important than accurate meter reading. What the customer gets for use is not especially cubic feet, but heat units, represented by the number of B.T.U.'s per M cu. ft. The standard is usually set by the commission, and may vary over a wide range. The usual requirement is from 500 to 600 B.T.U.'s per M cu. ft. It is important that this content be regularly checked by the commission or the municipality. To the extent that the service is below the standard, the consumer does not get what he pays for. In a case that we have just gone over, the standard fixed by the commission is 575 B.T.U. per M cu. ft., whereas the amount actually delivered by the company averages about 525 B.T.U. Here the customers clearly are not getting what they are supposed to get.
>
> In regard to rates, they are usually based upon the quantity of gas used. During recent years, however, there has been a movement to institute a "service charge" of about a dollar a month per customer, without any gas or only about 200 cu. ft. of gas allowed. On top of the service charge, there is then a regular flat rate per 100 or per 1000 cu. ft. of gas delivered. There is a sharp difference of opinion whether the service charged is justified. Personally, I doubt whether it has any justification under the conditions prevailing in most of the cities. We have had occasion to make a number of individual analyses, and in no case have we found the proposed service charge justified. It has resulted in every instance in imposing an excessive burden upon the mass of smaller and poorer consumers,—according to our analysis!
>
> The question of the service charge is up extensively before commissions all over the country. It applies not only to gas, but also to electricity. Unfortunately, it has not received the critical cost analysis that it deserves. In few instances has the matter been examined from the standpoint of the public. It is an important economic issue, and should be thoroughly studied from the scientific and public standpoint, and not from a narrow and partisan point of view. Fair rates must be fixed with reference to equity between different classes of consumers, but they must be based upon facts properly presented and analyzed. Such full consideration, unfortunately, has not been given to the institution of the service charge.

✤

What Is "Value of the Service" in Rate-Making?—Among the factors of rate-making which have received verbal recognition by the courts from the beginning of active regulation is "value of the service." While a company is entitled, in general, to rates which will cover the cost of service, including a fair return on the fair value of the property, it is not entitled to rates which exceed the value of the service. This limitation upon rates, however, has remained largely an academic one. While it has often been repeated by the courts, actually it has had little or no application. It has not appeared in such form as to require precise definition and exact determination in its relation to the rights of the companies, and has remained only as a factor to be referred to in the discussion of rates.

In New York City, there have been three cases before the transit commission during the past year which have brought to the front the value-of-service factor. While all three cases involved questions of local franchises and procedure under the New York statute, they finally raise the issue whether rates can be properly fixed beyond a point where they will cease to produce any financial benefit to the companies. In all three cases the rate of fare is five cents, as fixed by franchise. Apart from the question of power under the New York statute to change the franchise rates as proposed, the final question arose whether the companies are entitled to charge seven cents, as they propose, when the facts are clear, as contended by the City of New York, that the higher rates would result in such loss of traffic that the companies would be no better off financially than at the existing rate.

The position taken by the City of New York in opposing the increase is that the proposed rate exceeds the value of the service. Under the local conditions, street railway service is not worth over five cents. If a higher rate were charged, there would be such a reduction in the use of the service, that the companies would be worse off than at the five-cent fare. Evidence was presented before the commission to support this contention. Among the facts presented were: (1) the numerous points of subway competition at a fixed five-cent fare; (2) the availability of bus transportation at a five-cent fare; (3) the shortness of the average ride; (4) the slow speed of operation; and (5) the general prevalence of the five-cent fare throughout the city. All these conditions stand against the practical possibility of increasing the fares upon the particular lines above five cents. They fix the limit to the value of the service under New York City conditions.

The commission, it was contended, should not, as a matter of public policy (and under the law), grant a seven-cent fare, if plainly this exceeds the value of the service and thus would produce no financial benefit to the companies. Among the primary facts to be determined by the commission, therefore, is the value of the service as a limit upon the rates to be fixed by public authority.

The commission has decided the cases, and has rejected the higher fare schedules. The decision was based principally upon procedural grounds under the New York statute. The opinions, by Chairman William G. Fullen, however, bring out the underlying economic factor of the value of the service, under the particular conditions. The cases are likely to go to the courts, and will probably bring up for judicial determination this factor, which has thus far received only abstract consideration.

In an ordinary rate case, the value of service has no specific weight in the determination. This is true whenever rates are actually flexible, when they can be increased materially without great loss of business and when the higher rates will bring additional returns on the property. This is, of course, the normal situation. Usually rates are considerably lower than the traffic would bear without the restraints of regulation. When, however, rates have reached this maximum, so that further increases would not yield additional net returns, then they are limited by the value of the service and should not be advanced any further.

In any particular case there is the question of fact, where this point of limitation is and how it is to be determined. As a general economic factor it is readily defined, but its practical determination may be difficult because of factual uncertainties. In the New York City cases there seemed to be no other finding possible, and an increase would thus be prevented by the lower value of service. But even here the companies contend to the contrary, and will probably seek a judicial determination of the facts and their significance.

The value of service, we believe, is an important factor in most street railway cases which involve rates materially above five cents. We doubt whether in any city the value of the service is ten cents, except for long-distance traffic.

GOVERNMENTAL RESEARCH ASSOCIATION NOTES

EDITED BY RUSSELL FORBES

Secretary

Recent Reports of Research Agencies.—The following reports have been received at the central library of the Association since July 1, 1929:

Detroit Bureau of Governmental Research, Inc.:
Statistical Records of Detroit.
Taxpayers' Association of Fall River, Inc.:
Assessed Values, Bonded Debt and Tax Levies of Massachusetts Cities as of January 1, 1929.
Indianapolis Chamber of Commerce:
The Need of Budgeting Capital Expenditures for Indianapolis.
Bureau of Efficiency of the County of Los Angeles:
Survey of the Purchasing and Stores Department, County of Los Angeles, for 1928.
St. Louis Bureau of Municipal Research:
Purchasing Motor Trucks.

*

Bureau of Municipal Research, Akron Chamber of Commerce.—Coöperation of city, county and school officials, Chamber of Commerce committees and the Bureau lowered Akron's 1929 tax rate for 1930 expenditures from a threatened $29.42 per $1,000 to $28.30, a saving of $509,283. Furthermore, in this reduced levy were included increases for certain functions which had not been adequately provided for in the preliminary budgets. None of this reduction was forced by the state tax limit law, for the city has its own charter limitation, and the schools have a voted levy. Neither of these outside limits was reached. Studies made by the Bureau, at the request of city and school officials, had effected other savings before the preliminary budgets were worked out. Following these studies the Bureau made several suggestions concerning the operation of sinking funds.

*

Buffalo Municipal Research Bureau.—Inasmuch as after January 1, 1930 the mayor receives the full benefit of charter provisions regarding appointments and removals, the election this fall will determine the character of government in Buffalo for the next four years. Much of the Bureau's future utility will be determined by the attitude of the elected officials—mayor and councilmen—on specific questions that the Bureau has already raised, or may raise in the future.

During the past two years, the Bureau has made a number of recommendations to officials, looking toward definite economies or efficiencies in administration. Some of these proposals have been embodied in measures which the city government has adopted; others are under consideration; still others have been shelved or rejected.

In keeping with its past policy, the Bureau's interest in the coming election lies in measures, policies and principles of sound business administration, rather than in the personalities of candidates. The Bureau will not be for or against any candidate, but will direct attention to certain issues which will spell either good or bad government, no matter who is elected.

The Bureau's election program includes a series of its regular *Municipal Research Bulletins*, discussing in detail past, present and future work and policies of the city government; a series of ten radio talks to be given by ten members of the Bureau's board of directors; a series of articles for ten weeks in fourteen neighborhood newspapers, and special articles for the dailies; talks by the director and staff to various civic and business organizations; distribution, through department stores, of small printed slips to be wrapped with purchases, each slip carrying a condensed, brief "issue" of good government; cartoons displayed in the street cars and store windows; and other mediums for reaching the public. The Bureau's campaign slogan will be "Good Government in Buffalo—No Matter Who Is Elected."

*

California Taxpayers' Association.—M. D. Lack, tax counselor, and James Mussatti, editor of *The Tax Digest*, represented the Association at the Western States Taxpayers' Conference at Cheyenne, Wyoming, July 29 and 30. Mr.

Lack delivered an address on "The Regulation and Control of Bond Issues and Assessments," which will be reprinted in a future number of *The Tax Digest.*

The analysis of expenditures and costs of government of Solano County has been completed and is now in the hands of the printer. It will be ready for distribution within the next thirty days. The study of fire costs in California has also been completed and will appear in a future number of *The Tax Digest.* This study shows that losses per fire average as high as $300 in certain cities. In one city the maximum was $9,000 per fire. The cost of extinguishing fires averages $500 in some cities, while in others it may amount to as much as $2,500.

The research department is making a study and analysis of the budget of Santa Barbara County. It is also compiling statistics on the costs of libraries in California cities, and investigating street cleaning costs. Other subjects now being studied include expenditures for state and county highways and costs of new school buildings, county hospitals and street pavements.

The research department is compiling, for the use of its staff, a data book in which will be included the following materials: general statistical data, general governmental statistics, educational statistics, financial statistics, utilities information, health and welfare information, engineering information, court statistics, recreational area statistics and statistics on protection of persons and property.

✤

Civic Affairs Department, Indianapolis Chamber of Commerce.—The Department has completed a report showing the urgency of budgeting capital expenditures in Indianapolis. This report is receiving wide circulation among local officials and citizens. It is the plan of the civic affairs committee soon to call a conference of officials of all the units of local government to discuss the situation, in the hope that the officials may formulate a program of capital improvements for the next decade. The report lists all proposed improvements and compares the estimates of their costs with the total borrowing power remaining and accruing to each unit of government during the ten-year period. It reveals that there is insufficient borrowing power to finance all the proposals for this period. Because of the large amounts spent annually for interest and retirement charges, the report urges officials to consider adopting the pay-as-you-go method.

The Department is making its annual study of local budgets in the hope of averting large increases in the local tax rate for 1930, and is participating with the city council and other officials in the consideration of public budgets.

✤

Kansas City Public Service Institute.—Follow-up on the police survey, study of school finances with reference to the proposed bond issues, and planning in connection with the state financial survey constitute the principal immediate activities of the Institute.

The follow-up work on the police survey covers most of the important recommendations made in the survey report. Complete new signalling and call systems are being planned in coöperation with the police department, the telephone company and the power and light company. Improvements in the accounting and budget procedure of the department are being installed. Reorganization plans for the entire department are being studied with the police commissioners. Development of the police school and of procedure for selecting new men is under way. Intelligence tests and police tests have been given to a considerable number of men.

For some time the Institute has been urging the board of education to establish school building financing on a pay-as-you-go basis. The Institute recognizes the necessity of a proposed bond issue of $5,000,000, but believes that this will be the last bond issue necessary unless there is an unexpected growth in the school system. Re-checks on previous estimates, in view of the proposal to submit the $5,000,000 bond issue to the people this fall, show that they are still essentially correct.

At last winter's session the state legislature provided for a survey commission to study all phases of state government in Missouri. This commission is also to prepare a financial plan for handling capital needs. Griffenhagen & Associates, Ltd., are to be associated with the St. Louis Bureau of Municipal Research and the Kansas City Public Service Institute in the financial part of this survey. The work must be completed and a report submitted before November 30.

✤

Philadelphia Bureau of Municipal Research.—One of the recommendations that grew out of the study of municipal contracts which the Bureau of Municipal Research is making as agent of the Thomas Skelton Harrison Foundation is that the city should prequalify contractors who are bidding on public works contracts. This recommendation later found its way into the report of the mayor's special committee on city contracts, and finally, on June 14 of this year, an ordinance was approved by the mayor providing for the pre-qualification of prospective bidders by the director of the letting department. It provides also for a review of his decision by a board of review, which is to consist of three city officials having to do with construction contracts. They are to be appointed by the mayor.

This ordinance is now about to be tested in the courts. Shortly after it was passed the city advertised a subway construction contract. There were twelve applicants for prequalification, three of whom were rejected. An appeal was made by these three contractors; a board of review was appointed by the mayor on July 17; and the appeal was heard on the following day. Their disqualification was sustained by the board of review, and the contractors are now carrying the issue into the courts.

George B. Galloway, who has been a member of the Bureau staff since 1926, specializing in electoral problems, has resigned to join the staff of Editorial Research Reports in Washington, D. C., on September 1.

*

Schenectady Bureau of Municipal Research.—In conjunction with the New York State Conference of Mayors, the Bureau is sponsoring a series of radio talks on municipal administration to be given by experts from all parts of New York state. This series probably will be broadcast over the New York state network. The managing director of the Bureau will introduce each speaker. The program is as follows:

Sept. 9—Opening Talk, "The Future of City Government," Frederick C. McLaughlin, mayor of White Plains, and president, New York State Conference of Mayors.

Sept. 16—"City Planning," Commissioner W. D. Heydecker, Mt. Vernon.

Sept. 23—"Assessments and Taxation," Commissioner George Taylor, Rochester.

Sept. 30—"Municipal Finance," (How and from what sources municipal revenues are obtained), Comptroller William Pugh, Utica.

Oct. 7—"Municipal Finance," (Controlling current and capital municipal expenditures), Comptroller Leon G. Dibble, Schenectady.

Oct. 14—"Police," Police Commissioner James W. Higgins, Buffalo.

Oct. 21—"Fire," Chief Michael Fleming Albany.

Oct. 28—"Education," Superintendent Arvey Eldred, Troy.

Nov. 4—"Health," Dr. George C. Ruhland, Syracuse.

Nov. 11—"Charities," Commissioner Leo Doody, Albany.

Nov. 18—"Water," City Manager J. Walter Ackerman, Watertown.

Nov. 25—"Municipal Purchasing," Purchasing Agent Wendel E. Andrews, Rochester.

Dec. 2—"Civil Service," Secretary Herbert B. Myron, Syracuse.

Dec. 9—Closing Talk, "Overcoming Inefficiency in Municipal Government," W. P. Capes, secretary, New York State Conference of Mayors.

At the request of the Bureau, city officials have obtained bids on the printing of 2,200 copies of the long-term financial program. Of these copies, 1,000 are to be retained by the city for general distribution and 1,200 have been taken by the Schenectady Chamber of Commerce and will be sent to its entire membership. Comments on the program, which have been received from governmental authorities in all parts of the United States, will be placed in the printed volume. The Bureau has received scores of requests for this study and will now be able to supply the full demand.

An ordinance has been drafted by the Bureau, providing for the establishment of a capital budget commission to consist of five city officials and three private citizens. This commission will advise with the common council concerning fiscal matters and study continuously the financial condition of the city. It will also supervise the carrying out of the long-term financial program prepared by the Bureau.

The Bureau has made a study of the salaries for all positions in the classified service of the city, covering a period of eleven years. The percentage of increase in each salary item and the name of the present incumbent of each position have also been included. This material was transmitted to the board of estimate and apportionment for its guidance in a job classification and salary standardization plan for the municipal civil service.

The Bureau will concentrate its attention for the next few months on obtaining official approval of its reports on purchasing, civil service, charities and the collection of delinquent taxes, all of which are now pending.

*

Western States Taxpayers' Conference.—Twelve western states were represented at the Western States Taxpayers' Conference, held at Cheyenne, Wyoming, July 29–30. Among the major subjects discussed were the regulation and control of bond issues and assessments, the simplification of state and county government, and the mechanics and operation of a successful budget system. The Conference was addressed on July 29 by Harley L. Lutz of Princeton University, who spoke on "Creating a Tax-Conscious Public." "The Mounting Costs of Schools" was the subject of a discussion led on July 30 by M. H. Harris of the Utah Taxpayers' Association.

Representatives from tax organizations in Nebraska, Iowa, South Dakota and Arkansas were present and asked to be admitted to the Conference. It was decided to make the Conference a national organization, and open it to all taxpayers' associations and governmental economy leagues throughout the United States. Further information on this subject can be had from A. C. Rees, executive secretary, 619 Kearns Building, Salt Lake City, Utah. The secretary will prepare and distribute a digest of the conference preceedings.

Phoenix, Arizona, was selected as the place for the 1930 Conference, and Robert E. Tally, of the United Verde Copper Company, Phoenix, was chosen president for the ensuing year.

NOTES AND EVENTS

EDITED BY H. W. DODDS

Fusion Worse Confounded.—Fiorello La Guardia, militant little Italian-American, who promises Tammany a fight "on the level and without quarter," has been chosen Republican champion against the far-famed "Jimmie" Walker. Though designated by an almost unanimous vote at the voluntary convention of city Republicans, he was by no means a unanimous choice. For one thing he has represented a radical district in uptown Manhattan, running once as a Socialist and five years ago with a La Follette endorsement. The *New York Tribune* (R.) thinks him a man of unstable convictions. His selection was fought principally by two groups: firstly, the sincere conservatives of his party, for the Republican party in New York as in Boston and many other cities is the party of the conservatives; and secondly, by a substantial bloc of party leaders who feared to alienate an important number of wealthy supporters not only for the time being but perhaps permanently. The habit of deserting one's national party in local elections is one which the Republicans can scarcely afford to cultivate. But the scrappy little major—for he fought on the Italian front with the U. S. Air Service—would not be gainsaid. For some reason he wanted the nomination. No one else did. His very determination to have it scared off any other takers. The threat that he would ignore the convention and contest any other designation in the primary was formidable. Had the leaders been able to promise that they could defeat him it would still have meant a bill of $50,000 for the candidate and his friend and the leaders could make no such promise. And so it came to pass that his opponents never did find a candidate. And so the "unofficial" convention, having adopted an "unofficial" platform—which he was kind enough to call "quasi-LaGuardian" in its progressiveness—could do nothing else but accept him, however sourly.

As a matter of fact, the rank and file of party workers are quite pleased. He gives every promise of a noisy campaign and should he, by some miracle, be elected he would not "high-hat" his friends. Indeed, for Tammany, it means an attack on a flank they are seldom called on to defend. The Republicans can ordinarily be depended upon to trot out some staunch defender of good government and big business, and the workingman, immigrant, or rent-payer scarcely raises an eyebrow. But here is a doughty champion of labor and the downtrodden and a popular figure among the 200,000 Italian voters (mostly Democratic). He is worth far more votes to his party than his nomination will cost but it will be rather more difficult to raise the usual campaign fund. It is doubtful if he will have the endorsement of a single newspaper in the city and most of the civic groups will look upon him with little favor. It will, none-the-less, or perhaps all-the-more, be an old-fashioned rough and tumble fight. He will get a big vote and "Jimmie" Walker will get one 300,000 bigger.

JOSEPH MCGOLDRICK.

◆

Grand Rapids Assistant Manager Talks Sense.—Grand Rapids' managerial difficulties have been noted in two recent issues of the REVIEW.[1] Readers will recall that George W. Welsh, political boss and long-time enemy of the manager plan, upon being elected manager promptly turned over his $12,000 salary to an assistant manager. Evidently Assistant Manager Waring is doing the manager's work, leaving the manager free to attend to his political activities.

At any rate, the following editorial from the *Grand Rapids Press* indicates an understanding of the theory of the manager plan, and reveals a difficulty confronting many managers in other cities. We quote it for the enlightenment of other city councils which may be experiencing similar temptations to stray beyond their appointed fields.

> The City commission last week passed a resolution calling for installation of a traffic light at Leonard Street and Front Avenue. It did so despite the fact that Assistant City Manager George Waring had advised the introducer no such signal was necessary, and that police regulation at the corner had been established after a study by police department traffic experts. Nor did Mr. Waring stop there.
>
> The executive branch of the government, he declared, can take care of matters involving

---

[1] See NATIONAL MUNICIPAL REVIEW for June, p. 428, and for July, p. 434.

technical problems. There often is too much interference from the legislative branch.

Grand Rapids' city commission after a dozen years of such petty interference apparently has still to learn its lesson. The city hires a city manager, a police chief and a number of technical experts. It then disregards their decisions and overrides them even in such petty matters as the substitution of a traffic light for a patrolman at an intersection.

It is about time the commission stayed on the legislative side of the fence and left technical matters of administration to those employed—and fully competent—to handle them.

*

Real Estate Subdividers Win Awards for Park Areas.—With a donation of $2,000 to Laura A. Patridge of Owosso, Michigan, the Harmon Foundation of New York City has completed a total of sixteen awards to real estate companies which have set aside land for permanent public playgrounds, according to the Playground and Recreation Association of America, which administered the awards.

Fourteen subdividers have received $2,000 awards and two have received $1,000 awards. The playgrounds donated vary from one to eleven acres in area. They range from one and six-tenths to fourteen per cent of the subdivisions of which they are a part, twelve of them being in excess of four per cent.

Factors influencing the choice of real estate men to receive the awards were the type and promise of the subdivision, the rapidity of the city's growth in population, and the willingness of the city to accept the play areas.

The appraised value of the areas set apart is more than $121,000. In most cases, the money given was devoted to developing and beautifying the play spaces.

The purpose of the Foundation's awards was threefold: to show municipalities that it is wise to acquire recreation space from subdividers at no expense save loss of taxes; to show subdividers that it is profitable to donate space for public use and even to go to the expense of improving and beautifying it; and, third, to inform prospective home buyers of the advantage to themselves and their children of a play area near their homes.

The experience of the National Realty Company of Indianapolis, which set aside playground space in a Battle Creek subdivision for Walter Betterly, illustrates the advantage reaped by the real estate man.

"Within a period of approximately three weeks we disposed of all of the lots," writes the company, "and we all feel that the success of this sale was due in a very large measure to the setting aside of a little over three acres of beautiful wooded land in the subdivision for a recreational area.

"Practically all of the buyers have children, and the idea of having a play field and recreational area met with their instant approval. The first lots to go were those near this part that was set aside. I feel that this is the first thing a subdivider should provide for in his plat."

The city stands to gain even more than the donor of the recreation site, it is pointed out by W. E. Brooks, city manager of Morgantown, West Virginia, to which the Suncrest Homes Company gave four and a half acres. "It receives without cost a piece of land which in a few years could be purchased only at figures which would perhaps be prohibitive," he stated.

The companies receiving the awards were: Will County Realty Co., Joliet, J. D. Diffenbaugh, Monmouth, and the Carl O. Johnson Co., Rockford, Illinois; H. A. Smith, Anderson, Indiana; Great Lakes Land Co., Inc., Detroit, Sun Set Hills Development Co., Grand Rapids, and Mr. and Mrs. Walter Betterly, Battle Creek, Michigan; George F. Kramer, South St. Paul, Minnesota; Conshohocken Realty Co., Conshohocken, Pennsylvania; Boundary Realty Co., New York City; Estates Realty Co., Lorain, Ohio; Monticello Land Co., Fort Worth, J. A. Stobaugh and Mrs. Anna L. Newlin of Coleman, and Mr. W. L. Stark, Austin, Texas; the Sunset Homes Company, Morgantown, West Virginia, and Henrietta Fuller, Jessie Wallis and Amanda Crooks of Racine, Wisconsin.

*

Special Assessments in California.—As many of our readers know, the special assessment situation in California has assumed serious proportions because of a too ready willingness to undertake improvements to be paid for from this source, and to inequitable methods of spreading the assessments on bases of values which have not materialized. The following is a statement recently issued by the California Taxpayers' Association as a gun in the campaign to secure restrictive legislation.

> The special assessment system of California is complicated, overlapping, and many times unfair to the taxpayer.
>
> Due to the influence of those who have their own special interest at heart or due to false local pride, improvements have been undertaken which far exceed the economic capacity or desire of the owner of the property assessed. This is

very unfair to the taxpayer and in many cases results in the confiscation of his property.

The bureau of the census of the United States recently compiled statistics showing that the average per capita cost of special assessments of all cities in the United States was $4.90, whereas the average for California cities was $12.53.

During 1928 in the City of Los Angeles special assessments amounted to approximately $40,000,000—a per capita of approximately $28.00.

The California Taxpayers' Association believes that the following changes should be made in our special assessment laws in order to remedy this expensive, cumbersome, inconvenient and complicated method of making our public improvements:

1. A debt limitation should be established.
2. The wrongs in foreclosure procedure should be corrected.
3. A majority protest of property owners should be overruled only by a unanimous vote of the Council.
4. A protest containing over 60 per cent of the maximum protest weight possible in the district should be final.
5. Protests in the zone of full benefit should be given weight in proportion to the assessed land value as shown by the assessor's records.
6. Progress Payments. Based on estimates of cash, provision should be made for the issuance and sale of bonds to cover 75 per cent of the estimated cost of the construction and 100 per cent of the estimated incidental expenses before letting the contract. The contractor should be paid in cash as the work progresses. In no case should the amounts exceed 75 per cent of the work completed. After completion and final acceptance, sufficient bonds should be issued and sold to complete the payment and take care of any error in the estimate of expenditure.
7. Notice of delinquency in payments on special assessment bonds should be made upon the county tax bill.
8. No foreclosure proceeding should be commenced upon any bond unless personal demand has been made at least sixty days before upon all parties interested in the property or until twelve months after any default in a payment of principal or eighteen months in a payment of interest.

*

Report on Legislative Results.—The Illinois Municipal League has published two records of the work of the recent state legislature. The first pertains to legislation affecting municipal officials, the second to measures of interest to park boards. The subject matter is classified into bills enacted into law, undesirable bills defeated, and good bills which failed. A. D. McLarty, Urbana, Illinois, is secretary of the League.

*

Removal of Mayor Walker Demanded.—Dr. William H. Allen, director of the Institute for Public Service, New York City, has petitioned Governor Roosevelt to use his constitutional power to remove Mayor Walker, now running for reëlection. Dr. Allen charges Walker with "prodigiously wasteful neglect, inefficiency, broken pledges, false official publicity, preventable delays, misspending, overtaxing, unfair assessing, encouraging graft and violation of law."

*

Proposals to Adopt the Manager Plan in Terre Haute and Vincennes, Indiana, were defeated recently by decisive votes. In each city only a small percentage of the potential vote was cast.

*

Kentucky Organizes League of Municipalities.—A Kentucky League of Municipalities, with Dr. C. T. Coleman, Mayor of Frankfort, as president, has been organized by a group of officials from fifteen Kentucky cities and towns invited to Lexington by Dr. J. Catron Jones, head of the Department of Political Science, University of Kentucky.

Other officers of the League elected were: vice president, Mayor W. R. McKee, Mt. Sterling; secretary and treasurer, Dr. Jones; general counsel, M. C. Redwine, city attorney of Winchester; and trustees, Arthur Daly, city attorney of Newport, W. C. Wilson, commissioner of public works of Lexington, and Lester Hogge, city attorney of Morehead.

*

Appointment at University of the City of Toledo.—Orven R. Altman, M.A. University of Illinois 1928, and assistant in political science at the University of Illinois 1928–29, has been appointed instructor in municipal science at the University of the City of Toledo to fill the vacancy created when J. Curtis Jenkins resigned to accept a position in municipal research work under Mayo Fesler at Cleveland.

This year Toledo University will have 150 students in municipal government and 16 students in municipal administration.

*

Waterbury Studies Its Government.—Griffenhagen & Associates have been retained by the Waterbury Charter Commission recently appointed by Governor Trumbull of Connecticut. The commission plans to codify the present charter, determine the financial condition of the city and make recommendations for a new charter.

NATIONAL MUNICIPAL REVIEW

PUBLISHED MONTHLY BY THE

National Municipal League

VOL. XVIII, No. 10 OCTOBER, 1929 TOTAL No. 160

CONTENTS

EDITORIAL COMMENT . . . . *H. W. Dodds* 597

CLEVELAND AGAIN DEFEATS ATTACK ON CITY MANAGER CHARTER . . . . *Mayo Fesler* 601

THE PITTSBURGH CONSOLIDATION CHARTER . . . . *Joseph T. Miller* 603

NATIONAL PARTIES IN MUNICIPAL POLITICS . . . . *O. Garfield Jones* 609

THE NEW ILLINOIS GAS TAX LAW . . . . *James W. Martin* 613

POOR LAW REFORM IN NEW YORK STATE . . . . *Elsie M. Bond* . . 617

PERMANENT REGISTRATION FOR VOTING IN GERMAN CITIES . . . . *Roger H. Wells* . . 623

REGIONAL VARIATION IN MUNICIPAL BORROWING RATES *Earl L. Moser* . . . 629

THE MUNICIPAL ASSEMBLY — NEW YORK'S HOME RULE LEGISLATURE . . . . *Russell Forbes* . . . 632

DEPARTMENTS

I. Recent Books Reviewed 635

II. Judicial Decisions . . . . *Edited by C. W. Tooke* 639

III. Public Utilities . . . . *Edited by John Bauer* 643

IV. Municipal Activities Abroad . . . . *Edited by W. E. Mosher* 647

V. Governmental Research Association Notes . . . . *Edited by Russell Forbes* 651

VI. Notes and Events . . . . *Edited by H. W. Dodds* 654

The contents of the NATIONAL MUNICIPAL REVIEW are indexed in the *International Index to Periodicals* and in *Public Affairs Information Service*

GRIFFENHAGEN & ASSOCIATES, LTD.
BUREAU OF PUBLIC SERVICE

Consultants and active assistants on the administrative and financial problems of public bodies in programs of review, audit, and constructive improvement; seventeen years of experience in the service of officials, legislators, and citizen organizations

HEADQUARTERS OFFICES 155 EAST SUPERIOR STREET, CHICAGO
EASTERN OFFICES MILLS BUILDING, WASHINGTON, D. C.

THE LEAGUE'S BUSINESS

Thirty-Fifth Annual Meeting, November 12, 13 and 14.—Plans are now under way for the League's thirty-fifth annual meeting, to be held in Chicago November 12, 13 and 14. As in several previous years, our meeting will be a joint convention with the Governmental Research Association and the National Association of Civic Secretaries. The Stevens Hotel will be the convention headquarters. As announced on this page in the March issue, our convention is being sponsored by a committee representing nine civic agencies of Chicago, and headed by Edward M. Martin of the Union League Club.

Our meeting this year will be called the National Conference on Improving Government, which will give it individuality in the public mind.

The program will be distributed to all members of the National Municipal League during October. As now planned, the first day's program will consist of separate sessions by each of the coöperating organizations, with the exception of a joint luncheon session at noon. On Wednesday, November 13, group sessions will be held during the forenoon and afternoon, with a luncheon at noon on the subject of Regional Consolidation. The annual banquet will be held on the evening of November 13. The final day's program will consist of group sessions in the forenoon, a luncheon on Aviation and Municipal Progress at noon, and an afternoon sightseeing trip to inspect the model city-manager municipality of Winnetka, Illinois. One of the features of the program will be a session on the question: Is the Manager Plan Adaptable to Counties? Other interesting convention subjects are: Do Crime Surveys Lessen Crime; Civic Education; Equalizing the Tax Burden; Calendar Simplification and Municipal Administration; and Traffic Regulation.

◆

National Committee on Municipal Reporting Appoints Advisory Council.—As previously announced on this page, specifications for a municipal report are being formulated by the National Committee on Municipal Reporting, jointly representing the League, the Governmental Research Association, the International City Managers' Association, and the American Municipal Association. Through the efforts of Wylie Kilpatrick, secretary of the committee, the following authorities have consented to serve as an advisory council. The council will advise the committee on the proper methods of reporting municipal functions. The members of the council and the field assigned to each are as follows:

GENERAL

Finance: C. E. Rightor, chief accountant, Detroit Bureau of Governmental Research
Personnel: W. E. Mosher, director, School of Citizenship and Public Affairs, Syracuse University

EXECUTIVE

Executive's Office: Virgil Sheppard, secretary to the mayor, Toledo, Ohio

JUDICIAL

Municipal Courts: Charles P. Taft, II, attorney, Cincinnati, Ohio
Charles E. Clark, dean of the Yale Law School
Sam B. Warner, Harvard Law School

LEGISLATIVE

City Council: Horace E. Flack, director, Legislative Reference Department, Baltimore

ADMINISTRATIVE FUNCTIONS

Police: Bruce Smith, Committee on Uniform Crime Records
Fire: George W. Booth, chief engineer, National Board of Fire Underwriters
Education: F. M. Phillips, chief, Statistical Division, U. S. Bureau of Education
R. O. Stoops, superintendent of schools, York, Pa.; chairman of committee on uniform records and reports of the National Education Association
A. D. Simpson, assistant commissioner, New York State Department of Education
City Planning: Miss Harlean James, secretary, American Civic Association
Parks and Playgrounds: R. O. Huus, Western Reserve University
Jay B. Nash, New York University
Public Utilities: John Bauer, director, American Public Utilities Bureau, New York City
Public Works: H. C. McClure, city engineer, Flint, Mich.
General James Jervey, the University of the South, Sewanee, Tenn.
Allan Seville, engineering consultant, Richmond, Va.
Public Welfare: Frank Hoffer, University of Virginia
Dr. L. H. Martin, Abilene, Texas
Health: Ira V. Hiscock, School of Medicine, Yale University
C. E. McCombs, National Institute of Public Administration

RUSSELL FORBES, *Secretary.*

NATIONAL MUNICIPAL REVIEW

Vol. XVIII, No. 10 OCTOBER, 1929 Total No. 160

EDITORIAL COMMENT

In spite of the proven advantages of asphalt pavement, Berlin authorities have resolved to abandon it because of the danger it offers in wet weather. The treatment of asphalt already laid to circumvent the skid demon is described by Dr. Mosher in his department, Municipal Activities Abroad, in this issue.

*

According to newspaper reports, the efforts to submit the proposed new charter to the voters of Milwaukee next spring have been abandoned. A recent amendment to the state's home-rule enabling act has increased the difficulty of drafting a desirable charter. Under this amendment each charter ordinance must designate specifically what laws it supersedes. Attorneys advise that it would require two years' study of the statutes before a charter can be drafted in compliance with this provision. Even then the result would be uncertain.

*

Writing in this issue, Joseph T. Miller, chairman of the Metropolitan Plan Commission of Allegheny County, makes reply to Mr. Faust's criticism of the Pittsburgh consolidated charter published in our August number.

Mr. Miller feels that the earlier article did great injustice to the movement for metropolitan government in Pittsburgh and injured its chance for later success. Those who read Mr. Faust's article should give equal consideration to Mr. Miller's.

The commission is proceeding with the effort to re-submit the charter for a second vote. The efforts thus far have been frustrated by an adverse verdict in the Allegheny County court of common pleas. The charter act under which the proposal was presented last June did not provide for re-submission. It is, however, the belief of the commission, and was apparently that of the legislature, that authority for re-submission was contained in the constitutional amendment authorizing the charter act. The case has been appealed to the state supreme court, which has placed it at the head of the list for early decision.

*

New Loans Will Raise Taxes

Philadelphia is considering a miscellaneous bond issue of fifty-five million dollars. Practically all of the bonds are to run for fifty years. The largest items are fifteen million dollars for the equipment and improvement of subways, elevated railways, bridges, and other transit facilities. The next largest items are three million dollars for the department of health and three million dollars for sewage treatment plants, intercepting sewers, pumping stations, and the like.

In an announcement to the taxpayers the Philadelphia Bureau of Municipal Research points out that $1.12 of the present $2.85 tax rate is for debt services. The city and school district debts have increased almost 300 per cent since 1920. How much longer, asks the Bureau, can this pace be continued? Some of the proposed loans are for recurring charges which might more properly be met in other ways than through general bond issues.

The extreme length of the term of the bonds is also questionable. Philadelphia was once known as the city which used the proceeds of fifty-year bonds for the purchase of street brooms. It is doubtful whether a fifty-year bond to build a swimming pool is much in advance of this practice.

*

New York City's Health After two years of study of the city's health needs and its facilities for meeting these needs, the Welfare Council of New York City has made public its report in the form of a "Health Inventory of New York City." The Inventory has been hailed as the most important document on health that New York has seen and as one bound to influence the future work of all health agencies, public and private alike.

The findings reveal that 125,000 to 200,000 persons in New York City are sick in bed every day, and that two to four times as many more are ill, though not incapacitated. The annual cost of care for the sick is approximately $150,000,000, of which $75,000,000 represents the annual loss of wages due to illness. An even greater loss results from diminished productivity and loss of future earnings arising from chronic illness and preventable premature death.

For the treatment of disease the city has 11,000 physicians, 12,000 nurses, 6,000 dentists, 200 hospitals, and innumerable druggists, laboratories, and quacks. There are about 300 agencies furnishing organized health services; of these 222 offer clinic and home-visiting service. The large part played by governmental agencies is shown by the fact that of the 2,400,000 visits annually to clinics, 828,000 are made to clinics of the city health department; of the 1,900,000 home visits a year about 800,000 are made by the staff of the health department.

Manhattan receives the lion's share of visiting and clinic facilities to the extent of half of the whole amount of such services. Her heavy day population entitles her to more extensive facilities than the other boroughs, but the fact remains that the distribution of health services is uneven. This unevenness is most marked in the case of private agencies, the health department's services being spread with greater equity.

New York's budget for official and voluntary agencies totals $8,500,000 a year or $1.42 per capita. St. Louis spends $1.50 per person, Boston $1.53, Cleveland $1.67, Montreal $1.81, and Cincinnati $2.09.

The emphasis is still upon cure rather than prevention. The ratio of expenditure for cure to expenditure for prevention is 18 to 1. Such a ratio, the Welfare Council points out, is not the result of wisdom in planning but of history.

*

Municipalities as Art Patrons In dire necessity after the war German artists formed an association which has proved to be very profitable from their point of view and which is undoubtedly contributing to the artistic life of the German people on a wide scale. Inasmuch as the patrons of the fine arts, i.e., the church, the state, and wealthy collectors, were unable to indulge their taste after the war, the artists organized an association and secured through the coöperation of the Prussian Government a number of beautiful rooms in the Castle of Berlin for exhibition purposes. They maintain here a permanent exhibition of the works of the members of the association. A number of the leading and most gifted painters in Prussia are members of the union which is described in a recent number of *Der Städtetag*.

Two important policies were adopted at the outset that aimed to stimulate a more general purchase of their work. The first was to sell works of art on the instalment plan, payments being made over a period of twenty-four months. This proved to be very profitable. Secondly, provisions were made whereby paintings, drawings, etc. may be rented at a regular monthly rate. A subscriber may select works valued at fifty times the amount of the rental; that is to say, if he pays $100 a month he may rent works of art that are valued at $5,000. Furthermore he has the privilege of changing the picture or pictures as he sees fit. In this way it is possible for him gradually to select such paintings, drawings, etc. as are suitable for his taste and surroundings. Another interesting feature is that if the subscription is kept up for a year the renter may retain as his own property works valued at fifty per cent of what he has paid in the form of rentals. That is to say, if he pays at the rate of 1200 marks a year he may become the owner of a picture or pictures to the value of 600 marks.

Not alone private individuals, but certain municipalities have benefited from this arrangement. For instance, one city, Luckenwalde, has been a subscriber at the rate of 300 marks a month for something over a year. For this amount it has had on exhibition works of art in oil and water colors, pastels, sculptures, etc. to the value of 15,000 marks. The works of art are exhibited in schools, hospitals, and rooms of public buildings. A change in the selection is made once or twice a year and all of the pictures that have been rented in this way are brought together and exhibited at least once in a public exhibit. The first collection consisted of fifty works.

The city of Frankfurt has also taken advantage of the above provisions, having selected a limited number of works by some of the outstanding artists. Danzig is paying 400 marks a month for the same privilege. It is anticipated that the Reichstag itself will enter a contract calling for rentals to the amount of 1,000 marks a month. The pictures will be used for the purpose of beautifying the plain and unadorned offices of the members of the Reichstag.

One by-product of the above arrangement is that many of the works which are on exhibit under the auspices of the city are purchased by local residents and thus become a permanent possession of the community. The enterprise of the German artists and the artistic appreciation of the German municipalities might well be emulated in other countries.

W. E. M.

*

Important Judicial Decisions

Professor Tooke in his department, Judicial Decisions, reports this month three cases which are of especial significance to everyone concerned with municipal government.

The first is a decision of a U. S. circuit court of appeals against the constitutionality of a Cincinnati ordinance authorizing excess condemnation of property under section 10 of article 18 of the state constitution. The evidence showed that the real purpose of the condemnation was to sell such excess at a profit and devote the proceeds to pay for the improvement. The court held that under the fourteenth amendment to the constitution of the United States mere financial profit cannot be held to be a public use justifying the appropriation of private property even upon full payment to the owners.

Few advocates of excess condemnation rest their case upon the profit argument. Indeed, with respect to recapture of a part of the enhanced value, there is little which cannot be more easily secured by the method of special assessments. In the Cincinnati case excess condemnation does not appear to have been necessary to protect the improvement or to enable effective utilization of remnants.

Professor Tooke suggests that with the profit-taking element removed nothing is gained by placing excess condemnation amendments in state constitutions, since an excess taking which would satisfy either the remnant theory or the protection theory would probably be sustained as a public purpose under the general principles of eminent domain. If this is true, and we believe it is, the travail involved in securing such amendments, as recently witnessed in Michigan, seems unnecessary in most states.

Judicial decisions on excess condemnation under statutory authority are few. They were rendered before city planning and zoning, as we know them, had developed. In view of the general understanding of city planning, it is probable that the courts today would take a more liberal attitude towards legislation authorizing cities to condemn property in excess of what is physically needed for the improvement.

If the Ohio decision reaches the United States Supreme Court and is sustained thereby, it will settle once and for all the question of profit-taking through excess condemnation, and will do much to remove opposition to the proper use of excess condemnation in other connections. The fear that the municipality might enter into the real estate business has been one of the most effective deterrents to the excess condemnation movement.

In the second case the Supreme Court of Louisiana sustains a zoning ordinance ordering the abandonment within one year of a non-conforming use in a restricted residence district. Heretofore, zoning laws have been careful not to disturb present uses, but the Louisiana court goes further and holds that the discontinuance of a non-conforming use may be a legitimate exercise of the police power.

Another case of special interest relates to the unsuccessful effort of Fall River, Massachusetts, to rid itself of its state-appointed board of police through the adoption of "Plan D" of the optional charter law of the state. The question was whether the adoption of the new charter abolished the existing board and vested power in the city to appoint a new board of its own. The court held that the act did not directly or indirectly confer any new powers upon a city adopting one of the optional forms of government described in the act.

CLEVELAND AGAIN DEFEATS ATTACK ON CITY MANAGER CHARTER

BY MAYO FESLER

Director of the Citizens League

On August 20 Cleveland voters defeated the third effort to abolish their city manager charter. :: :: :: :: :: :: ::

THE voters of Cleveland, on August 20, defeated for the third time a movement to abandon the city manager form of government and return to the mayor-council form. This time the proposal met defeat by a majority of only 3,044. The majority in November, 1927, with double the number of votes, was 6,416; and in April, 1928, with about the same vote as this year, the majority against was 3,232.

Under the home-rule provisions of the state constitution, the voters of any city in Ohio, by a 10 per cent petition, can initiate a charter amendment consisting practically of a new charter. In 1921 the city manager charter was so initiated and adopted. In 1927 ex-Mayor and ex-Governor Harry L. Davis led a movement to initiate a proposal to amend the city manager charter, elect a council of thirty-three members from thirty-three wards and choose a mayor with practically unlimited administrative authority, even to control over the civil service commission. Davis and his political followers were "out" and wanted to get "in."

In the first fight the Republican and Democratic organizations joined with the Citizens League and the other independent forces to defeat Davis and retain the city manager form. It was a battle royal between the forces for good government and the discredited political group that wanted to get back to the feed trough. After a tremendous effort and expenditure of a large campaign fund the city manager charter was saved by a very narrow margin. In April, 1928, the same political group decided to make another attempt to adopt a strong mayor-council charter —a seriously defective document— but almost identically the same as the one which was defeated in 1927. The political party groups kept their hands off in this fight and the campaign to retain the manager plan was led by the League of Women Voters, backed by the Citizens League and the other independent groups.

COUNCIL SCANDALS STIR THE PEOPLE

The third and latest attempt to overthrow the city manager charter followed the councilmanic scandals of last spring, the acceptance of money by one councilman for services rendered to a disabled policeman in securing financial aid from the city, and the attempted profiteering of three or four other councilmen in connection with the purchase of plots of land for city purposes. The indictment of four councilmen and the conviction of two of them by a young and vigorous prosecutor who had been elected in November over the Republican organization candidate, stirred the people thoroughly. The city manager, with a false sense of loyalty, sought to minimize the misconduct of these councilmen, and this led the public to believe that the administration was guilty along with the law-breakers in the council.

There was also a group of sincere but ill-advised enthusiasts who wanted to see Peter Witt (ex-councilman) elected mayor under a P.R. system of voting; and they knew that the only way to secure that result was by changing the city charter. These took advantage of the unpopularity of the council and the manager, resulting from the land purchase scandals, and submitted the proposed amendment to the city council in a petition signed by 26,000 petitioners. The document which they submitted was identical in every respect, except one or two items, with the one twice defeated. Even the old plates had been preserved with their typographical errors and the petitions were printed from them.

REPUBLICAN POLITICIANS JOIN

When the council found the petitions to be sufficient and the date of the election had been fixed for August 20, ex-Mayor Davis and his group called a meeting, organized a committee with Davis as chairman, and took complete control of the conduct of the campaign.

The friends of the city manager government then called a mass meeting, set up a Progressive Government Committee with the retiring president of the Citizens League as chairman, issued a call to arms, and instituted a campaign to save the city manager charter. In this campaign the Republican organization, which had been seriously crippled by the dismissal of its chairman and two chief lieutenants from the board of elections because of maladministration, joined with the Davis group to overthrow the charter. The Democratic organization supported the Progressive Government Committee.

The advocates of the charter amendment found themselves without substantial funds while the Progressive Government Committee was able to raise a considerable campaign fund. The three daily newspapers were opposed to the charter amendment. Prominent ministers, Catholic, Jewish, and Protestant, issued strong statements in opposition to the proposal. A house-to-house canvass was made by the women. When the campaign was launched the general impression was that the amendment would carry easily because of the unpopularity of the council and the city manager, coupled with the dissatisfaction of a large mass of voters with proportional representation as a method of election. The city manager himself was kept in the background during the campaign, and the fight was made solely on the question of retaining of the city manager form of government.

DAVIS PUT ON DEFENSE

The campaign committee and the newspapers were able to force Davis and his cohorts into a defense position which compelled his speakers to spend most of their time defending Davis' discredited administration back in 1916–22, instead of making attacks on the weak places of the city manager administration.

The Citizens League issued bulletins analyzing the numerous defects of the proposed amendment and declaring that the method of election as proposed would practically insure minority government in Cleveland. The League's analysis served as the basis of the campaign arguments.

The Davis forces advanced only three stock arguments which the Citizens League in its final bulletin declared had no foundation in fact and made no appeal to sensible voters. The three arguments were:

(a) "Restore the government to the people."

(b) "The city manager is a czar with a life job."

(c) "The city manager plan is unsound in principle."

When the campaign waxed warm and the women began to make reports on their house-to-house canvass, the Progressive Government Committee became more optimistic. The Davis forces had little organization, their meetings were poorly attended, and they had no money with which to employ workers. Since their workers had to come from the regular party workers who are accustomed to being paid for their work, the Davis forces were unable to muster much of an organization. A week ahead of the election it became quite evident that the defective amendment was again doomed to defeat. During the last few days of the campaign Mr. Davis' appeal to the voters was to the effect that "this is your last chance to take back the right to elect your chief executive and return to the government of the people." But the appeal had lost in drawing power.

Now that the defective charter has been defeated for the third time, the Progressive Government Committee will continue its work, at least for this year, by placing better candidates in the race for the city council; and the Citizens League will appoint an unofficial charter committee to consider all of the objections to the present manager form and to submit an improved city manager charter to the voters within the next twelve months.

THE PITTSBURGH CONSOLIDATION CHARTER

BY JOSEPH T. MILLER

Chairman, Metropolitan Plan Commission of Allegheny County

This is a reply to the article by Martin L. Faust which appeared in our August number. Mr. Faust criticized the charter and the tactics of the commission of which Mr. Miller is the head. The charter submitted by the commission was radically amended by the legislature and failed to secure the necessary two-thirds vote in a majority of the municipalities of the county at the election on June 25. :: :: :: ::

The National Municipal Review in its August issue presented an article which discussed the recent election in Allegheny County, Pennsylvania, on a consolidated city-county charter submitted by the legislature of 1929 to the people of the territory for their acceptance or rejection. There were certain statements contained in that article to which the Commission to Study Municipal Consolidation in Counties of the Second Class of said Commonwealth, through its chairman, the writer of this article, takes most decided and unqualified exception.

The following are the official figures of the vote cast at the election on June 25.

	Yes	*No*
Pittsburgh, City of the Second Class	50,402	6,976
McKeesport, City of the Third Class	584	7,121
Duquesne, City of the Third Class	627	754

	Yes	*No*
Clairton, City of the Third Class	538	715
66 Boroughs	25,086	15,705
53 Townships	10,570	9,702
Total	87,807	40,973

This shows that the vote in the county as a whole was decidedly better than two to one. There was a majority vote of 9,381 in the 66 boroughs and in the 53 townships a majority of 868, while the cities gave a majority of 36,585. Of the 122 municipalities, 84 voted for the charter by a majority vote but the charter secured only 49 municipalities out of 122 by the necessary two-to-one vote. Inasmuch as the legislature had required that a two-thirds vote for adoption be cast in a majority of the municipalities we were short 13 municipalities.

An interesting fact is that if the proponents of the charter had been able to secure 374 additional votes and had been able to spot those votes in thirteen municipalities in numbers varying from 1 to 54, the final result would have been reversed, the necessary 62 would have been secured, and the charter adopted.

Three hundred seventy-four votes in a territory covering 725 square miles and affecting at least 1,400,000 people, is something not to be discouraged about. A long list of the causes of the defeat of the charter could be prepared and would prove interesting reading but we forego and desire to offer no alibis for the result.

The charter submitted in the first instance by the commission went far beyond what was originally intended when the commission first began its work. It was, in fact, quite idealistic in character and scope and as results proved, much beyond what was possible of accomplishment at the present time. Neither the people at large nor those deeply involved in political matters were ready to accept the full recommendations of the commission, and the legislature of the state was by no means the least of these. It was amazing to the members of the commission, when the commission's charter was first made public, to note the favorable commendations of its effort that were received from students of public affairs and not within the circle of those actively in "politics." It is true that, when the charter of the commission was once announced, a storm of protests rose from many sources and especially from those in public positions of trust and responsibility whose leadership and control over those who actually vote is far reaching and most formidable.

THE CHARTER IN THE LEGISLATURE

The report of the commission was submitted to the governor on March 5, 1929 and the commission's charter was introduced into the senate of Pennsylvania by Max G. Leslie of Pittsburgh, an outstanding Republican organization leader. The legislative record shows that the commission's charter was finally amended in the senate on March 27 and passed by the senate on April 1, 1929; amended in the house on April 8, 1929 and passed by the house April 8, 1929 and was approved by the governor on the 18th day of April.

From March 5 until April 8, the proponents and opponents of the commission's charter were always in contact and the discussion between representatives of the commission and those representing different ideas was almost constant. In addition to the commission's charter no less than three other charters were discussed or put in form for introduction in the legislature. The result of all this turmoil was finally that the original charter of the commission was amended to a very material extent. Eight of the original twenty-three articles were dropped, two of the original articles rewritten. But the commission feels that while the amended charter contained only about 52 per cent in volume of the original charter, about 65 per cent of the subject matter first offered by the commission was retained in the amended document. Certainly 100 per cent of the real fundamentals survived.

Naturally, in the view of subsequent events, many mistakes of judgment are now apparent. One was the fact that the proponents of the federated city thought it wise to submit the question at a special election. As events developed, this special election had to be set at a time when the people seemed unwilling to be bothered with political matters. It was fixed, for certain specific reasons, for June 25. This was a time of year when outdoor sports, amusements, and recreations turned the minds of the people to something else than elections.

In the presidential election of 1928, 376,924 votes were cast in Allegheny County. The total cast in the charter election of 1929 dropped to 128,780.

HOW THE "JOKER" HAPPENED

The political "joker" inserted in the constitutional amendment, to which Professor Faust refers, was that the charter in order to pass must receive not only a majority vote in the county, but also a two-to-one vote in a majority of the municipalities (or 62 out of 122). Professor Faust says the alteration has never been satisfactorily explained. This is in error because the manner in which this "joker" happened is fully known. The commission desired to have the charter accepted first by a majority of the people of the county and second, by a majority of the municipalities by a majority vote. The opponents of the charter, desiring to make it as difficult as possible, undertook to provide that the charter to be accepted must be passed by a majority of the people of the county as a whole and, in addition, by a majority vote in not less than two-thirds of the municipalities.

It is interesting to note that the charter did carry 84 municipalities (more than two-thirds) by a majority vote.

Following the defeat of a "wide-open" amendment (which would have given no protection to the boroughs and townships) in the regular session of the legislature in 1925, a revised amendment was presented by the commission to the special session which met in 1926. Identical drafts were introduced in both houses, but the public printer in printing the two bills, one for the house and one for the senate, did not put the same number of printed lines on the first page of the two bills. Senator Mansfield, in amending the act in the senate, made his amendment read as he intended, viz., "If a majority of the electors voting thereon in each of at least two-thirds of all the cities, boroughs and townships thereof vote in the affirmative, the act shall take effect for the whole county." Senate Bill 54, File Folio 393, Printer's No. 48 of the session of 1926 so reads and has on the first page *fourteen* lines and on the second page three lines before the inserted words "of at least two-thirds of all," so that the amending bill evidently read—"Amend by striking out the words—'a majority of' in line three, page 2, and inserting after the word 'of' 'at least two-thirds of.'" But when the amending provision reached the house, Representative McBride undertook to amend line 3, page 2 of the House Bill No. 34, File Folio 123, Printer's No. 32 by striking out the words "a majority of" and inserting the words "at least two-thirds of all." Because the house bill carried *thirteen* lines only on the first page, the words "at least two-thirds of all" went in at the wrong place. The Senate Bill on the second page read as follows: "If a majority of the electors voting thereon in the county as a whole and a majority of the electors voting thereon in each of at least two-thirds of all the cities, boroughs, and townships thereof vote in the affirmative, the act shall take effect for the whole county."

The House Bill read as follows: "If a majority of the electors voting thereon in the county as a whole and at least two-thirds of all the electors voting thereon in each of a majority of the cities, boroughs and townships vote in the affirmative, the act shall take effect for the whole county." The whole trouble was caused by the printer setting in the Senate Bill 127 words in 14 lines on page 1 and on page 2—49 lines and then setting the House Bill differently, so that on page 1 there were 117 words in 13 lines and on page 2—61 words in 6 lines.

When the two bills as passed were checked by the legislative clerks, it was found that they were not identical and that they must go to the conference committees. These committees, hastily brought together from the house and the senate in the late hours of the session, evidently picking one of two bills from the table and agreeng to concur on the one picked up rather than the one left on the table, happened to agree on the house bill. So the amendment as passed by the legislature was neither the amendment of Mr. Mansfield in the senate nor the original report of the commission but the amendment offered by Mr. McBride in the house. Thus a printer's option in setting his type eventually became the trick of fate or political "joker" that caused the failure of the charter on June 25. The commission does not believe that the result was intentional on the part of either Mr. Mansfield or Mr. McBride.

The commission today is not fearful even of this high hurdle embodied in the constitution and believes that the charter will certainly be accepted at some future date.

CHARTER CONTAINED SUBSTANTIAL IMPROVEMENTS

The commission's view is totally different from that of Prof. Faust that the charter as voted on contains few points that would have resulted in substantial improvement in the government of the metropolitan area. It retains all the fundamental principles laid down in the constitutional amendment. It contains everything that the proponents of the movement for a federated government started out to get. It gave the old City of Pittsburgh the benefit of the population of the district, created the proper agencies to provide for all metropolitan necessities, gave to the 122 units local self-government, control of local affairs, retention in office of their own public officers, protection for their own police and fire departments and many other features vitally important to the small communities, including their present power to raise their own tax and spend it locally, to maintain their own bonding power and spend the proceeds for their own individual improvement.

NOT A POLITICIANS' CHARTER

The commission resents most strenuously Mr. Faust's statement that the charter voted on at the special election was a politicians' charter. It was not. It was the commission's charter, amended by two of the ablest lawyers of the Allegheny County Bar, assisted by the experienced staff of the county and city governments in an advisory capacity. It was a meeting of minds after the bitterest kind of controversy extending over a period of weeks. Differences were finally ironed out and a basis of common understanding was arrived at, which the commission understood would be acceptable to both sides. The commission on its part has carried out its best efforts to the fullest extent, recognizing that the amended charter was a great forward step, away in advance of existing conditions. While the commission did not believe the charter as amended by the legislature was as good as the charter first proposed, the members would have been false to their trust from the state, false to themselves, false to their fellow citizens, and false to their communities had they not supported it.

It is true that the eight articles omitted from the final draft revised the assessment system, introduced an up-to-date system of minor courts, consolidated the welfare agencies, created a department of personnel, set up an advanced accounting system, and established a department of research. But the commission recognized that the situation did not warrant a "do or die" attitude on their part at the moment. The matters eliminated could be written into the charter in the future at such time as the people were fully educated to them and the authorities were willing to accept them. It is a fact that Professor Thomas H. Reed, who was in charge of the department of research of the commission and who had played a major part in drafting the commission's opinions and ideas in the form of a charter, made the statement to the chairman more than once that the commission should accept the amended charter if for no other reason than that it did provide such a tremendous improvement over our present system in the matter of financial control of public money.

THE COMMISSION'S SKIRTS ARE CLEAN

The statement that as soon as the city and county politicians understood the commission's charter proposal they dispatched henchmen to Harrisburg is most absurd, because any elimination and all amendments proposed were accomplished by conference in Pittsburgh and framed there. The commission's position never changed. They stood for their charter first, last, and all the time, but they recognized that they were only the agents of the legislature, having a mandate to perform a certain service which was to make certain suggestions in the form of a tentative charter. They could not go beyond this. They never agreed at any time to a single amendment or the change even of a punctuation point and stood firmly for the best that they knew. But the amended charter as it came from the legislature was all that under existing conditions could be expected or hoped for.

It is not fair or true to say that the Chamber of Commerce or any of the leaders of this marvelous community have their sole interest in a metropolitan plan from a census standpoint only. It is only ridiculous. Thousands and thousands of our citizens know it to be essential to have new agencies to perform metropolitan service and the new charter sets up this machinery.

It is exactly the attitude expressed by Professor Faust that is responsible today for the defeat of this great forward movement for the time being. The bitter enemies on both sides found fault from the extreme viewpoints and the "constitutional reformers" accomplished nothing because they couldn't get everything. The only people who are satisfied are those who want no change at all and are entirely agreeable to have everything continue as it is for their selfish interests.

Professor Faust states that "the really disgusting part of the whole procedure is that neither the commission nor any civic body in Pittsburgh offered any whimper to the politicians' treatment of the charter." Both the commission and all the civic bodies knew and acknowledged that the amended charter, being a great advance, ought to be accepted rather than rejected because it didn't contain everything that they might ask for. The president of the Bar Association and hundreds of others disagreed with the commission on the points of the proposed minor court system, so that was no meeting of minds on this point. Each and every interest had their own ideas, even the squires and the constables had theirs. It is true that certain strong representatives of the Republican organization and the Democratic organization supported the amended charter. They did so each from their own viewpoint because of the influences working to that end on account of the sincere merit of the proposals. It is true that the Chamber of Commerce, the many boards of trade and business men's associations, as well as the League of Women Voters, also supported the charter, hand in hand with other civic bodies and social agencies. It is true that the recognized leaders who were ever "independent" of any "organization" formed a body and did their utmost to secure the adoption of the charter. The commission submits that in view of these facts there must have been great and real fundamental good in the amended charter itself, although the commission knows it was not as idealistic as it might have been. The people generally are not ready for an idealistic charter and nobody knows this better than "the politicians."

POPULATION NOT CHIEF CONSIDERATION

From one viewpoint only the movement was to make Pittsburgh stand forth in the world as a great city. There were many other considerations. As far as population goes it is today, we believe, the fourth city of the United States and acts, commercially, industrially, socially, financially and in every other way as the fourth city should act. Politically, this is not so. It is broken up into 122 units. Population does attract population. Industry does attract industry. Commerce does attract commerce. It is easy to treat and criticize such a movement for advancement from a flippant, hypocritical standpoint, but it is hard to make our dreams for such movements come true and to build as one should build for metropolitan necessities and metropolitan needs. It is difficult to recreate a political system—to change it from antiquated form to a powerful up-to-date new organization that could make not only a city bigger but vastly better and a greater servant to its people and to this nation, than it has been or can be under the old system.

The policy of the commission has been and will be to stand solidly back of the amended charter, as it has done since the legislature submitted it, because it is right as far as it goes. The commission has asked the commissioners of Allegheny County to resubmit it as drawn by the legislature to the people in its original form. It is recognized by the commission that the legislature is the only authority that has power either to amend it, modify it, or submit a new charter but takes the position that the original charter, as passed by the legislature, can now be resubmitted by the commissioners of Allegheny County. The commissioners on August 6 asked the court of Allegheny County for a ruling on the matter of resubmission. The decision of the lower court was that the charter can not be resubmitted without the legislature's authorization. It will be taken to the supreme court for the opinion of the highest court of the state and the future is looked forward to confidently by the commission. The people have spoken in an outstanding way. The idea of the federated municipal government in Allegheny County has twice had the stamp of approval of the people; first, by the adoption of the amendment by a vote of 85,000 and second, by a majority vote for the charter of 46,000. The movement for the federated city will eventually be accomplished. How soon is a matter for the future to unfold.

NATIONAL PARTIES IN MUNICIPAL POLITICS

BY O. GARFIELD JONES

The University of the City of Toledo

In Toledo, the writer believes, the Republican organization has become converted to the wisdom of abstaining from participation in municipal politics for the sake of greater solidarity in state and local campaigns. Separation of local from national politics is desirable in order that national parties may be increased in strength and vigor.

THE argument in favor of keeping national party alignments out of municipal politics usually starts with the basic proposition of the municipal reformer that it is best for municipal government. From this it is only a step to the next assertion that, after all, voters should have intelligence enough to vote for issues and for candidates irrespective of traditional line-ups. The last step in this rationalistic sequence is that national parties are an evil, are unnecessary for an intelligent electorate, and that, consequently, national parties themselves should be abolished.

On the other hand, the students of national political history, like Dr. Beard or Dr. Sait, see quite clearly that the national parties have performed a most vital service in the evolution and functioning of our national government; consequently, they have little patience with an argument that leads to the ultimate conclusion that national parties should be abolished. Furthermore, these students of the functioning of national parties throughout the various states know that the nonpartisan ballot, far from being an instrument for the overthrow of national parties, is, in certain southern states, an instrument by which one national party strengthens itself. (The nonpartisan ballot makes it difficult for the ignorant Negro to vote a straight ticket for the opposite party.) Also these students of party history in America and elsewhere know that the nonpartisan ballot is used in the national elections of England where national party solidarity is quite as vigorous as in the United States.

These students of national party politics start with the proposition that national parties are vital to the functioning of democracy in the nation; they go next to the proposition that the nonpartisan ballot obviously does not interfere with the functioning of national parties, and arrive at the conclusion that it is useless to attempt to keep national parties from functioning in municipal politics.

Would it not be more scientific to start with the two propositions of which we are reasonably certain and then discard all subsequent arguments that do not square with these two basic principles?

My proposition number one is that national parties are vital to the functioning of national democracy and should be kept as strong and vigorous as possible. My proposition number two is that municipal politics have to do with issues which have no relation to national issues and, consequently, municipal politics should be kept free from national party interference.

MUNICIPAL POLITICS REDUCES PARTY EFFICIENCY

This second proposition has been so fully developed in almost every text on municipal government that a repetition of the various points of the argument would serve no purpose here. Proposition number one, however, has not been so fully treated.

The most authoritative declaration on the subject of national parties in municipal politics is that of the late Boies Penrose made in connection with his analysis of Philadelphia's new charter about 1920. He wrote:

> One general principle is establishing itself; that municipal government increases in efficiency in the exact ratio in which it is divorced from partisan politics. In this connection I might state that in my judgment party efficiency and capacity for general public service increases in the ratio in which it disentangles itself from municipal politics. For instance, party principles are not even a secondary consideration with the Democratic Tammany machine in New York or the Republican contractors' machine in Philadelphia. Each of them exists solely to promote selfish interests, and each of them is an incubus and a liability to the party with which it is aligned.

Certainly the municipal reformers can say "Amen!" to this statement of an eminent national party leader who could not be accused of disloyalty to or ignorance of national party life.

The loyal supporter of national parties and the loyal supporter of municipal efficiency can join hands in the cause of real "non-national partisanship in municipal politics" once the point is convincingly established that it is best for the national parties to keep out of municipal politics. The following experiences from Toledo's recent political history are given as argument for this proposition.

TOLEDO'S EXPERIENCE

In the municipal campaign of 1927 W. T. Jackson, formerly service director, W. B. Guitteau, then service director, and Grant Northrup, vice-mayor, all Republicans in national politics, survived the mayoralty primary elimination contest in August. The Republican organization endorsed Dr. Guitteau and made a vigorous campaign for his election. Mr. Jackson, running on a "smash the machine" platform, was elected. However, in the course of the next year the Republican boss of Toledo gave Mr. Jackson the political plum of being one of the Hoover electors in Ohio.

In this same 1927 election a charter commission for Toledo was elected and straightway the city was divided into two political camps, one favoring the Hare system of proportional representation, the other against it. The Republican organization led the fight against P. R., while Percy Jones, a Republican member of the charter commission, was one of the leaders of the fight for P. R. Nevertheless, the Republican boss "teamed up" with Mr. Jones in the April primary as the two Hoover delegates to represent Lucas and Ottawa counties in the national Republican convention of June, 1928.

It was just because the Republican boss was a real political leader interested primarily in national issues that he gave these national party plums to the very men who had fought the Toledo Republican organization on local issues the previous year. Perhaps it goes without saying that it was for these same reasons that this particular city boss is now Toledo's distinguished representative in President Hoover's cabinet.

The question naturally arises, what does it profit the Republican organization of Toledo to split itself wide open in a municipal campaign during the odd-numbered years if the party plums have to be given to the party's municipal enemies during the even-numbered years in order to restore harmony and insure a united Republican vote for the state and national elections?

That the Republican leaders of Toledo are seeing the advantage of the nonpartisan idea in local matters is evidenced by their action with respect to judicial nominations and elections in 1928. While the Ohio law provides for a nonpartisan judicial ballot for the final election in November, it provides, quite inconsistently, for the nomination of judicial candidates in the party primary in August, although nominations may also be made by petition after the primary.

In August, 1928, the Republican organization of Lucas County (Toledo), contrary to their usual practice, did not make any nominations for the county judicial ticket in the party primary, thus compelling the judicial candidates to be nominated by petition, a method more in keeping with the spirit of nonpartisanship in judicial elections. Not content with this gesture, the Lucas County Republican organization finally endorsed one Democrat and one Republican for the two common pleas judgeships to be filled.

DOES IT PAY NATIONAL PARTIES TO REMAIN ALOOF?

Does it pay the local organization of a national party to stick to national political issues and to permit the spirit of nonpartisanship to prevail in local elections? In Toledo the answer seems to be that it does pay, because the Republican organization in Toledo today is a work of art. In few cities of the country is there an organization so strong and so complete in all of its ward and precinct ramifications with such a minimum of spoils or corruption to maintain it. In fact the large measure of support accorded it by the best element in Toledo, especially among the women voters, is due in part at least to this absence of corruption and to the recognition of the spirit of nonpartisanship in municipal and judicial affairs, where national issue have no place.

The conversion of Toledo's political leader to this side of the question was quite recent. For several reasons, one being his alliance with Roosevelt and the Progressives in 1912, Walter F. Brown in 1913 became *persona non grata* to the more conservative wing of the party and lost his position of leadership. He regained his leadership in 1920 when a combination of events made him floor leader of the Harding candidacy at the Chicago convention. After the sweeping victory of that year which returned the Republicans to power in all of the state and county offices as well as in the national government, Mr. Brown thought that he could lead the city out of the wilderness in the municipal election the next year, 1921. Since the city of Toledo had been issuing deficiency bonds steadily for several years, there was real occasion for leading the city somewhere.

In spite of his strong preference for the quiet and dignity of judicial office, Mr. Brown persuaded Judge Bernard Brough to run for mayor. Judge Brough was elected mayor in 1921. He chose a strong cabinet and succeeded in balancing the city's budget. Civil service suffered somewhat because of the influence of the "grey wolves" of the party, but on the whole it was a good administration, and Judge Brough was reëlected in 1923 by a larger vote than at his first election. His second term was on a par with his first, but he refused to run for a third term.

In this situation the vice-mayor, a druggist who had proven a good vote-getter in his previous campaigns for the state legislature and for council, was picked to run for mayor and was elected through organization support and upon the promise of continuing the Brough régime.

FACTIONS WEAKEN TOLEDO'S ORGANIZATION

While this vote-getting druggist continued the Brough cabinet and quite capably filled the one vacancy, that of finance director, he quickly proved that as a municipal chief executive he was a good druggist. This administration brought continuous grief and discord to the Republican organization which reached a climax when the service director, W. T. Jackson, was fired while Boss Brown was out of town. The Republican organization received all the blame, a "new charter" movement was started at once, and a period of factionalism developed within the party which eventuated in the election of ex-Service Director Jackson as mayor in 1927 on a "smash the machine" platform. It was this disharmony within the party that was smoothed over in 1928 by the events described above as a part of the Hoover campaign of that year.

In Toledo one man has had the ability to lead the Republican organization into and out of municipal campaigns, but this position of leadership has also involved the responsibility for maintaining harmony within the organization. For the national organization to favor one candidate for mayor when two other Republicans are in the field is an effective method for destroying harmony within the national party organization. Recent events seem to indicate that, from his vantage point in the president's cabinet, Toledo's Republican boss has no intention of splitting the local organization wide open again by endorsing one candidate for mayor as against two other Republicans.

DETROIT AND TOLEDO COMPARED

In the neighboring nonpartisan city of Detroit this one-man leadership is lacking. That strong Republican city in a strong Republican state has no political boss. Consequently, there is no one to take the responsibility for throwing the entire weight of the city's Republican organization to any one candidate for mayor or for council. Even in the days of the partisan ballot in Detroit's municipal elections the Republicans calmly voted a Democrat into the office of mayor when a certain hard-working but decidedly eccentric Republican surprised everybody by winning the Republican nomination for mayor. Having been nonpartisan by nature even when the partisan ballot was in use, the voters of Detroit find it extremely easy to continue this nonpartisan practice now that the ballot in municipal elections is free of partisan designations.

Detroit differs from Toledo in that it has not had an outstanding party leader comparable to Walter Brown. In Cleveland and Chicago, on the other hand, the Republican party is split into two fairly equal factions which utilize every local political campaign to prove "who is best man." But who will say that the Cleveland or the Chicago situation is a good thing for the national party concerned?

When the rank and file of our American electorate become convinced that national party interference in municipal elections is as bad for the national party organization as it is for the city government, they will refuse to be led into fratricidal conflict to drive King George from the Chicago City Hall or to vindicate Harry Davis as the spotless champion of politics in Cleveland.

The argument against this proposition must consist of evidence that national party interference in municipal elections is advantageous for the national parties. This argument might also include evidence to show that it is advantageous to the national parties to have essentially municipal party organizations like Tammany of New York or the "Republican contractors' machine of Philadelphia" take an active, yes a leader's part, in national politics.

Local job-hunters' cliques we will always have with us, although such cliques are yielding ground to civil service and to the efficiency movement in administration. However, the proper relation between national parties and municipal politics is a different problem entirely. When we will have solved this problem to the satisfaction of our citizenry we will have national parties with more singleness of purpose and therefore more loyalty among their membership. We will also have more clear-cut issues in municipal politics and each city will then be free to achieve its own municipal destiny.

THE NEW ILLINOIS GAS TAX LAW

BY JAMES W. MARTIN

Director, Bureau of Business Research, University of Kentucky

This law, passed to meet the objections of the state Supreme Court to the earlier law, contains some novel features with possibilities of later trouble. :: :: :: :: :: :: :: :: :: ::

On March 25 the "Motor Fuel Tax Law" of Illinois was approved by the Governor. The act, which became effective August 1, imposes a tax of three cents a gallon on all motor fuels which are "suitable and practicable for operating motor vehicles." Kerosene is specifically exempted from the provisions of the act; so also is fuel in the tank of a motor vehicle operated into the state. It is further provided that any person who suffers a loss of fuel on which the tax has been paid or any person who pays the tax on fuel used for some purpose other than the operation of vehicles on the public roads shall be reimbursed.

It will be of interest to examine the new law from three points of view: (1) In what respects are its provisions different from those to be found in the gasoline tax acts of other states? (2) What provisions are made in lieu of those which the supreme court of the state held unconstitutional in February, 1928?[1] And (3) what relative special burden will the act impose on motor vehicle transportation?

One unique provision is that authorizing refunds for taxes which have been paid on fuel subsequently lost "through any cause" (sec. 13). The nearest approach in earlier gasoline tax legislation to such a blanket provision is that in the West Virginia act (sec. 18) to the effect that a refund shall be granted for losses of gasoline "by reason of leakage or evaporation." This type of provision has been vigorously condemned as administratively inferior to one making an allowance for evaporation of an arbitrarily fixed amount, by both state officials and representatives of oil companies.[2] The provision apparently grows out of the effort made in the act to levy specifically on the road user, rather than on the dealers.[3] Indeed the specifications (sec. 6) with respect to shifting the tax are probably more explicit than are to be found in any other state.

A second provision (sec. 6) not found in other states authorizes the dealers who serve as tax collectors to report and, with the approval of the department of finance, deduct the amount of expense incurred in collecting and reporting the tax. The actual cost deductible shall not be in excess of 2 per cent of the tax due. While no such legislation is to be found in gasoline tax laws of other American commonwealths, it was not unknown in like statutes elsewhere. A number of the Canadian provinces include similar sections in their gasoline tax laws, and the state of Alabama incorporates an even more generous provision in her tobacco tax act.

LIMITATIONS ON USE OF REVENUE

The statute is distinctive in the detail with which it restricts the use of revenues collected. It is provided that, after deducting the expenses of administration, two-thirds of the money collected shall be apportioned to the department of public works, and the remainder to the several counties in proportion to the amount of motor vehicle license fees paid by the respective counties. The funds apportioned to the department of public works may be used only for specifically designated purposes: construction or reconstruction of state bond-issue highways numbered, according to law, 1 to 185, or the elimination of grade crossings. There is a restriction to the effect that the funds may not be used for reconstruction except near large centers of population where rebuilding in a more expensive form is necessary to provide adequately for traffic needs.

The amounts allotted to the counties are restricted to two possible uses: payment of bond principal or interest when debt has been incurred for state-aid roads authorized by the 1913 roads and bridges act, or for the construction of such state-aid roads under the supervision of the state department of public works. It is definitely provided also that the revenues may be used to maintain state-aid roads.[4] A provision in the second sub-section of section 9 is that any county failing to maintain roads or bridges constructed by the aid of gas tax revenues to the satisfaction of the state department of public works will receive no further allotments until the county provides for proper maintenance.[1]

---

[1] *Chicago Motor Club* v. *Kinney, State Treasurer, et al.*, 329 Illinois Reporter 120. The original statute is found in *Laws of Illinois*, 1927, pp. 758, *et seq.*

[2] Compare *First Annual Report of the North American Gasoline Tax Conference*, pp. 53 and 34, respectively.

[3] The obscurity of the earlier law on this particular point has given rise to continued difficulty in effecting a disposition of the gas tax receipts. The United States district court has ordered the dealers to show cause for shifting the tax to consumers, not specificially authorized in the 1927 law.

[4] Although the state will assume responsibility for the maintenance of such roads if "construction is of concrete, or brick, or asphalt on a concrete base" (sec. 9).

AVOIDANCE OF UNCONSTITUTIONAL PROVISIONS

Sections 6 and 7 of the 1927 Illinois gas tax law, making clumsy provisions for the distribution of the revenues collected, were the first found unconstitutional by the state supreme court. The two sections were defective in that they sought to assign the monies collected to funds already in existence and yet spend the revenues by methods different from those provided in the older legislation. The language of the statute was by no means clear. Thus the constitution was technically violated by the vagueness of the language (when read in conjunction with the motor vehicle law and the roads and bridges act); by the misleading title (since it said nothing about amending either of the previous statutes); and by failure to "insert at length" the laws revived or sections amended, as provided in the constitution.[2]

The 1929 act avoids these particular unconstitutional features by the simple expedient of creating a new fund designated the "Motor Fuel Tax Fund." The section (sec. 8) then makes provision for the disposition of the motor fuel tax fund, as already outlined.

Section 10 of the 1927 law, the other item condemned by the supreme court, sought to provide for rebates on gasoline used for purposes other than running motor vehicles on the public roads. The amount refunded was to be "two cents on each gallon of motor fuel so used." The court, reading this section in conjunction with section 5 which provided for a 3 per cent allowance for evaporation and other loss, found that it violated the due process clauses of the state and federal constitutions by paying money collected as a tax to a private individual. Thus, one might pay into the treasury $97 on 5,000 gallons of gasoline (two cents a gallon less the 3 per cent allowance) and immediately claim a rebate of $100 on the ground that he used the fuel for purposes other than operating a motor vehicle. This provision meant an appropriation of public revenue for private use.

The new statute attempts to avoid the difficulty apparent in the refund provision by indirection. The 3 per cent allowance found in the old law is present in the new law. It takes two forms: the payment of not more than 2 per cent of the tax for the costs of collection and the refund of the tax paid to any person who loses any motor fuel "upon which he has paid the amount required to be collected." But apparently section 6, by making the oil company a tax collector instead of a taxpayer, as in the old law, saves the situation. Moreover, the provision is not that the amount repaid shall be three cents a gallon, but rather that it shall be the sum which has been paid.

However, there are still some interesting problems as to how the administration is to carry out the provisions of the law and effectively avoid the practice found illegal by the courts. For instance, suppose the Standard Oil Company of Indiana refines oil in the state and sells it to a Springfield retailer. The Standard Company collects $150 on the 5,000 gallons, and remits to the department of finance $147 (the amount collected less the cost of collection). The retailer loses by evaporation 3 per cent of the fuel, and applies to the director of finance for a refund of $4.50 alleging (and if necessary proving) that he has paid three cents a gallon, or $150, in tax to the Standard Oil Company. After the $4.50 has been refunded, the dealer may sell the gasoline to be used in cleaning clothes. The cleaner will then make application for a refund of $145.50 (three cents a gallon on the 4,850 gallons of gasoline still left). Intriguing questions arise. Is it not unduly expensive that the state should check this particular item three times (assuming that it does not verify any of the claims for refunds)? Is it legitimate that the public should refund $150 on the item when it has received only $147? Will the courts condemn the practice? Or will it be held that the Standard Oil Company is a legally conscripted state employee and that, consequently, money paid to it is an ordinary expense of conducting the business of the state?[1]

---

[1] This provision is apparently based on the similar one in the federal aid law.

[2] Article IV, sec. 13.

SPECIAL HIGHWAY TAX BURDEN ON ILLINOIS MOTORISTS

It is estimated that the gasoline tax would in 1928 have amounted to a net burden of $12.18 on an average motor vehicle after deducting all allowances, including those to be paid the oil companies for expenses of collection and remittance.[2] If the average motor vehicle registration tax of $10.01 in 1928 be added to this, the total will amount to $22.19. The average gasoline tax levied by the five states adjoining Illinois was $12.14 per vehicle and the average registration license $12.28, making a total of $24.42 per average vehicle in these neighboring states. That is, while Illinois would have levied a gasoline tax amounting to almost precisely the same as the taxes levied by her neighbors, had the present rate been effective in 1928, her total special vehicle tax would have been slightly less by virtue of her somewhat lower registration tax.[3]

If the situation be compared with the United States as a whole it will be seen that the average tax per vehicle for the entire country is $25.54 (gasoline tax $12.45—even though not levied at all in two or three states—and registration license $13.09) as compared with the Illinois tax of only $22.19.[4]

SUMMARY

The new three-cent gasoline tax law in Illinois offers some distinct departures from earlier legislation. It requires the administration, when satisfied as to the facts, to refund taxes on all fuel which may be lost for any reason after the tax has been paid; it authorizes dealers who collect taxes to reimburse themselves from the proceeds for expenses incurred; and it specifies in unusual detail the precise disposition which is to be made of the revenues. The unconstitutional sections of the 1927 act are eliminated;

---

[1] It is to be observed that the case suggested is typical. Refunds on account of evaporation will presumably be claimed in every case, thereby involving at least a double check.

[2] The Bureau of Public Roads estimates Illinois fuel consumption at 671,000,000 gallons. Dividing by the number of cars, one finds consumption per vehicle. This multiplied by the rate and reduced by the estimated total allowance (9 per cent) gives the figure in the text.

[3] It is not improbable that the municipal registration taxes levied in some Illinois cities may be sufficient to offset the difference. Some Kentucky and Missouri cities, however, also levy such local taxes.

[4] There is reason to believe that the average gasoline tax per vehicle in the United States will be somewhat more in 1929 not only because it will be levied in Illinois, Massachusetts, and New York, but also because rates have been raised in a number of states. It is unlikely that average license fees for the United States will differ materially from those of 1928.

but, instead of the provisions concerning refunds, there are substituted others which promise to prove expensive even if they do not lead to litigation. The total burden imposed on Illinois motorists as a result of the law will not be excessive as compared with that levied on those in other states.

POOR LAW REFORM IN NEW YORK STATE

BY ELSIE M. BOND

Assistant Secretary, State Charities Aid Association, New York

After one hundred years' experience with a Poor Law little advanced beyond the famous law of Queen Elizabeth, New York adopts a new measure more in accord with the modern trend. :: :: :: ::

The general impression that poverty is not a serious problem in the United States is not confirmed in New York state by the report of the state comptroller. In the fiscal year of 1926–27, towns, counties and cities in New York state spent over $36,000,000 for charities. The state department of charities reports that in the same period over 67,000 people were given relief in their own homes, over 21,000 people were cared for in almshouses, and over 30,000 dependent children were cared for in institutions and family homes.

POOR LAW LITTLE CHANGED IN 100 YEARS

The expenditures of towns, counties and cities for the care of the poor have been administered under the State Poor Law, modified by some 140 special statutes relating to a particular town or county and the various city charters. The State Poor Law is a very old statute which has not been substantively revised for 100 years or more. It resembles the Elizabethan Poor Law on which it is based. As its original purpose was to prevent any municipality from being burdened by the care of able-bodied vagrants, its attitude is repressive and negative. The only provisions which might be called humane and progressive are the negative ones, forbidding the auctioning of the care of the poor and the care of children in almshouses.

The system under which poor relief is now administered is the same as that set up by the Poor Law over a hundred years ago, when each little community had to function by itself. It has all the disadvantages of our inefficient system of town and county government. Each county has an elected superintendent of the poor, who runs the county almshouse and cares for certain persons who have no residence in a town or city in its county. Each town has one or two elected overseers of the poor, who administer the care in their own town, and have the power of commitment to the county almshouse. In the Poor Law, the cities are treated as towns of the county, and have the same powers and duties as the town.

Each town and city is responsible for the administration of and payment for the care of its own poor, unless the county board of supervisors has decided that relief of poor persons under 16 or over 16 or both shall be paid for by the county. Frequently, however, the cost of this care given to a person having a settlement in the town or city is charged back in the taxes levied on such town or city, instead of being paid for from general county funds.

The county superintendents of the poor have "general superintendence and care of the poor who may be in their respective counties" but their powers over town and city officials are very vague. The Poor Law provides that no town overseer of the poor shall spend more than ten dollars for one family without the approval of the county superintendent of the poor, unless the board of supervisors or town board has made rules to the contrary. No one knows whether this means ten dollars at one time or during a week, month or year. In one county, all relief in towns and cities is paid by the county. In another, relief lasting over 90 days is a county charge. The system in force in each county is frequently the result of custom rather than law or written regulations passed by the town board or the board of supervisors.

The Poor Law in the main is concerned with almshouse care and the question of liability of the town, city, or county for the support of a poor person. Outdoor relief, *i.e.*, care in a person's own home, is authorized only when the person "requires only temporary relief or is sick, lame or otherwise disabled so that he cannot be conveniently removed to the county almshouse." Outdoor relief is given in spite of rather than because of the law, though over $2,225,000 for over 67,000 people were spent for this purpose in the fiscal year of 1927.

THE OVERSEERS OF THE POOR

No very recent information is available as to the actual methods and standards of the work of town overseers of the poor. Contact with individual cases leads to the conclusion that the study made by the State Charities Aid Association of the work of overseers of the poor in Dutchess County in the years 1910 to 1913 gives a fair picture of the conditions prevailing throughout the state today. The report of that study gives the following conclusions:

1. The overseers, with few exceptions, lack the discrimination and experience necessary to the efficient administration of public outdoor relief.
2. Records are incomplete and carelessly kept.
3. Reports based on these records are inaccurate.
4. Investigations when made are incomplete.
5. Reinvestigations are seldom made.
6. With one possible exception, temporary, spasmodic relief administered with little relation to the real need of the family, is the accepted method of meeting all situations.
7. No attempt is made to learn of, or eliminate the causes responsible for present distress.
8. Degenerate conditions due to mental or to moral defect are perpetuated and encouraged.
9. Relief to really needy families is generally insufficient or unsuitable, and as administered encourages pauperism.
10. Very inadequate provision for medical relief of indigent sick persons is made.
11. Relief is given to families not in need of it.
12. The payment of overseers by the fee system for orders written, visits made, etc., is very objectionable and encourages an ineffective and inefficient system.

A system of town responsibility was probably necessary 100 years ago when lack of transportation and means of communication made each town an isolated community. That reason no longer exists in view of our modern system of good roads and telephones. The New York law took its system of town overseers of the poor from the English Poor Law. England has long since abolished the office as an impractical method of administration and now employs full-time officers employed by groups of parishes and in all probability will shortly make the county and large city the unit of administration. New York still clings to the system whereby part-time, untrained, elected town overseers expend hundreds of thousands of dollars in doles either too small to do good or unnecessary. When this system was established, the relief officer's responsibility was, in the main, to decide whether or not care should be given in the almshouse. Today, with our greater knowledge of the complex causes of poverty and distress, and our increased facilities for treatment, an inexperienced official is a liability and his work inevitably tends to increase instead of prevent permanent dependency.

METHOD OF REFORM HAS BEEN TO CREATE NEW AGENCIES

In New York state the effort to secure better provision for those in need has, until recently, resulted not in reform of the Poor Law and its administration, but in the creation of new agencies to care for the groups whose special needs were brought to the attention of the public. The needs of widows with children were recognized in 1915 by the passage of the Mothers' Allowance Act, which established boards of child welfare in each county and in New York City. Other groups, such as families where the father had deserted or was in prison or permanently incapacitated and under treatment in a hospital, have been brought under the boards of child welfare, which spent over $6,500,000 for relief in the past year. Children's courts are now functioning in each county of the state, empowered to provide care for neglected children. County appropriations for the needy blind have also been provided. County care for physically handicapped children is also authorized, one half of the cost to be paid by the state. In Dutchess and Suffolk counties the boards of child welfare have, by special acts, been given responsibility for the care of all children. Under a general law the Cayuga County board of child welfare has assumed similar powers. Only Westchester County, which has, by special act, established a county department of public welfare with broad powers including practically all poor law responsibility except outdoor relief, has attempted to carry on modern and efficient work as poor relief. Its success shows that the question is one of quality of administration and that there is not necessarily a stigma attached to poor relief.

The State Charities Aid Association has been working to secure better poor relief administration since 1873, when it was responsible for the passage of the law forbidding the care of children in almshouses. Through its County Children's Committees it has been able to secure in thirty-eight counties the appointment of trained children's agents who act as assistants to the county superintendents of the poor. At present, all but eight counties of the state have some form of special service for dependent children, and the majority of counties have trained workers. While the care of dependent children separated from their families has thus been greatly improved, it has been clearly shown that the greatest opportunity for preventive work was in the towns where the untrained town overseer was responsible. The State Charities Aid Association is convinced that some method by which experienced workers will deal with the cases needing care in their own homes must be discovered if an effective administration of poor relief is to be secured. The present law, with its fixed system of town responsibility, seems to offer an impossible obstacle to any real improvement in administration.

EFFORTS TO REVISE THE POOR LAW

During the past five years active efforts for a comprehensive revision of the Poor Law have been made. The legislature, recognizing the confusion in the general Poor Law, the 148 special statutes, and the city charters, in 1924 appointed a commissioner to digest the various bills. In 1925 the State Charities Aid Association appointed a special committee on the revision of the Poor Law, the first chairman being V. Everit Macy, former commissioner of public welfare of Westchester County, whose outstanding work in the organization of the Westchester department of public welfare is well known. Mr. Macy was later succeeded by Peter Cantline, former recorder of Newburgh, whose unusual familiarity with the Poor Law made him also exceptionally well fitted to direct the work of the committee.

The legislative commissioner submitted a compilation of laws relating to the care of the poor to the 1926 legislature, which authorized him to draft a codification and revision of these laws. The State Charities Aid Association committee worked closely with the legislative commissioner in the hope that the bill drafted by him might make the substantive changes necessary for improved poor relief administration. The commissioner's bill, introduced in the 1927 legislature, did little more than codify the existing laws, and retained much of the involved language of the present Poor Law. It made only one important change in the present system of administration, namely, the substitution of deputy commissioners of public welfare appointed by the town boards, for the elected overseers of the poor.

The State Charities Aid Association had, from its study of the subject, come to the conclusion that the fundamental weakness of the Poor Law was its division of responsibility between the fifty-seven county superintendents of the poor, the thousand or more town overseers of the poor, and the sixty city commissioners of charities, and that a concentration of responsibility was essential to more effective administration of public care of the poor. Fearing that the passage of a bill making no substantive changes would delay real revision for many years, the State Charities Aid Association committee drafted and secured the introduction of its own bill in the 1927 session. This bill proposed that the state should be divided into city and county public welfare districts, each entirely responsible for the care of its own poor. The county public welfare district was to consist of all the towns of the county and such of the cities in the county as did not constitute themselves separate city public welfare districts. The board of supervisors was to appoint a county commissioner of public welfare, who would appoint his own deputies and assistants and be responsible for the administration of the county public welfare district. The bill was simple and easily understood, modernized the phraseology, and outlined in detail the care to be given the poor and the sick. It received much favorable comment for its clarity and arrangement. The State Charities Aid Association bill was strongly supported, but the opposition to a county system of administration and an appointed county commissioner was too great to make any action by the legislature possible that year.

JOINT COMMITTEE DRAFTS A NEW BILL

The State Association of County Superintendents of the Poor and Poor Law Officials had been interested in the bill drafted by the legislative commissioner, though many of the more progressive officials saw the necessity for changes in the administrative system. At the close of the 1927 legislative session, a joint committee was formed to consider the drafting of a new bill to be introduced in 1928. This joint committee consisted of representatives of the State Department of Charities, the legislative committee of the State Association of Poor Law Officials, and the State Charities Aid Association committee on the revision of the Poor Law. The joint committee decided that the new bill should provide a county system of administration, should abolish the overseers of the poor, but should retain an elected county official. A bill based largely on the State Charities Aid Association 1927 bill was drafted by this committee and introduced in 1928 by Senator Fearon in the senate and Mr. Shonk in the assembly.

STRONG OPPOSITION TO COUNTY SYSTEM

Opposition to a county system of administration and county responsibility for support of the poor proved so strong, especially in the assembly, that it became evident that there was no hope of passing a bill in this form. Towns which spent little or no money for poor relief were unwilling to have poor relief a county charge, fearing that their taxes would be raised. There was a strong feeling that the county administration would be expensive and that the towns would be paying part of the city relief. The bill was, therefore, amended to make the county system of administration and financing optional, the decision being left to the board of supervisors in each county. In this form the bill passed the senate without a dissenting vote but was not acted upon by the assembly.

The joint committee reluctantly came to the conclusion that the state was not yet ready for a mandatory change from a town and county system of administration to a straight county system. The 1929 bill was therefore based on the present system of town, city and county responsibility, but the county's powers were greatly increased, and any county, by action of its board of supervisors, was empowered to establish a county system of administration and financing.

THE NEW LAW SUMMARIZED

This measure passed the legislature and was signed by the governor. Its provisions may be briefly summarized as follows:

Each county is made a county public welfare district. The City of New York and four cities which operate their own almshouses, namely, Kingston, Poughkeepsie, Oswego and the City and Town of Newburgh, are constituted city public welfare districts.

The county public welfare district is to be administered by an elected county commissioner of public welfare, assisted by public welfare officers in the towns appointed by the town boards and city public welfare officials elected or appointed according to the provisions of the city charters. All cities except those constituted city public welfare districts are to be part of the county public welfare district in which they are situated. The responsibility for the care and support of the poor is divided as follows: The towns and cities are to provide and pay for home relief and medical care given in the home to persons residing and having a settlement in their territory. Cities, in addition, provide hospital care and may perform any of the duties assigned to the county if empowered to do so by a general, special or local law relating to such city. The county is to provide institutional care for adults and care for all children who are not with their families, care for defective or physically handicapped children and children born out of wedlock, and hospital care for residents of towns. The relief paid by the county on behalf of persons who have a settlement in a town or city in the county is a county charge unless the board of supervisors directs that it be charged back in the taxes assessed on such town or city.

A change to a county system of administration is provided by empowering the board of supervisors to make all relief administered by the towns and cities a county charge, and in such case to have the county administer all such relief through its county commissioner. If a county system of administration is established, the towns no longer appoint town public welfare officers, but a city is not governed by such resolutions unless its legislative body confirms it. The powers of the cities under their charters and the City Home Rule Law are scrupulously respected.

Settlement is gained by one year's residence without receipt of certain forms of public relief, and the place of a person's settlement is responsible for his relief and care until the person has gained another settlement elsewhere or has been away from the state for one year. This provision will simplify the question of liability for support, which is very complicated under the present law.

The law outlines the powers and duties of the public welfare officials of a town, city and county, and describes the care to be given to various types of cases in somewhat great detail. The purpose is to provide a law which will serve as a manual for the officials and instruct them in their duties.

The new Public Welfare Law is outstanding in its statement of the social objectives of public relief. It establishes public responsibility not only for relief but also for service. Its purpose is adequate relief of distress and prevention of dependency. Owing to the fact that any proposal to reform town and city government is exceedingly controversial, the administrative system established by the new law is, to a certain extent, a compromise. Nevertheless, the new law establishes a much better administrative system than the Poor Law. It places less power and responsibility in the towns and more in the counties. It brings the cities into a county system as far as is possible without interfering with their powers under their charters and the City Home Rule Law. By making possible a change to a complete system of county administration, by action of the board of supervisors, the way for progress is open without additional legislation just as soon as any county can be brought to see the wisdom of such action. It is probably as radical a change as can be secured until the whole system of town and county government is reorganized.

PERMANENT REGISTRATION FOR VOTING IN GERMAN CITIES

BY ROGER H. WELLS

Bryn Mawr College

While the characteristically thorough system of permanent registration in German cities is not applicable in toto to the United States, it contains many good features worthy of consideration by American municipalities. :: :: :: :: :: :: :: :: :: ::

THE growth of non-voting in the United States is, to a considerable degree, a reaction against the many burdens placed upon the electorate. Not least among these burdens is the requirement of periodic registration, especially in the larger American cities like New York, Chicago, and Philadelphia. Such a system of periodic enrollment is inconvenient to the voter, is expensive to operate, and is by no means fraud-proof—unless, as in Nicaragua, it is administered by United States marines on the basis of mercurochromed thumbs! Because of these objections, much attention has recently been devoted to the installation of new and improved types of permanent registration. The practicability of these newer types has been conclusively demonstrated by the successful results achieved in Boston, Milwaukee, Omaha, and other American cities.[1]

GENERAL ORGANIZATION

In this connection, a brief summary of the experience of German cities with permanent registration of voters may be of interest. No German may vote unless his name is duly entered in the official register of voters, or unless he establishes his right to vote by a *Wahlschein*, the nature of which will be explained later. The basis of the voters' register is the police registration system or *Meldewesen*, a truly German device whereby all persons in the community are obliged to report their arrival, departure, or change of residence within the community to the police. These reports or *Meldungen* are made out on prescribed forms usually in duplicate or triplicate; and, because of the mass of information demanded, are nothing less than brief autobiographies. The data thus secured are copied by police officials upon individual record cards which constitute a permanent file available for fiscal, educational, electoral, postal, and other purposes.

Each city has a *Wahlamt*, or election office, charged with various duties relating to the preparation of voters' registers and to the conduct of elections. In some instances, this is a division of the statistical office, in others a separate establishment, and in still other municipalities, it is combined with the police *Meldeamt*. But however organized, the election officials and the police registration officials closely coöperate. Ordinarily, the police record cards themselves are not directly used for electoral purposes, first, because of the alphabetical arrangement which is followed, and secondly, because the files include the names of minors, foreigners, and others not qualified to vote. Accordingly, it is necessary to have separate card files for voters, sometimes arranged alphabetically but preferably grouped by streets within a voting precinct, and within a given street according to houses. These files are kept continually up to date from information supplied by the police *Meldungen*, reports of deaths and marriages, etc.

---

[1] See Joseph P. Harris, "Permanent Registration of Voters," *American Political Science Review*, xxii (May, 1928), pp. 349–353; and "A Model Registration System" (Report of the Committee on Election Administration of the National Municipal League), NATIONAL MUNICIPAL REVIEW, xvi (Supplement, Jan., 1927), pp. 45–86.

THE CARD FILES

When an election draws near, the first step is the preparation of precinct lists or files of voters. According to the older method of *Wählerlisten* which is still widely used, the lists are typed or copied in longhand from the permanent card files, the names again being arranged by streets and houses. Because of the time and expense involved in making such lists, two new and improved methods have been introduced since the war. The first is that of precinct card files (*Wahlkartei*); the second is that of precinct lists of voters prepared by means of an addressograph.

The system followed in Potsdam may be described as typical of the first method. The individual cards are about six inches by four inches in size, light blue cards being used for women and white cards for men. Upon the face of the card, spaces are provided for the voter's name, date of birth, occupation, date at which residence in Potsdam began, place of residence with additional lines where changes of residence may be entered, ground for disqualification from voting if any should arise, and spaces for twelve elections. The other side of the card is printed in exactly the same way, so that by reversing it, the same card may be used in twenty-four different elections. The election spaces are numbered consecutively, the election office designating the particular space for a given election. During the time between elections, the cards are kept in wooden boxes in filing cases at a central office where they may be used for other than electoral purposes. The whole arrangement very much resembles that of a library card catalog. On election day prior to the opening of the polls, the wooden boxes containing the cards for each precinct together with the ballots, ballot envelopes, and other necessary materials, are delivered to the precinct election officials.

At this point, the American reader will ask what precautions are taken to prevent the cards from being tampered with or removed from the boxes. The safeguards are twofold. In the first place, the cards are carefully checked and corrected before each election (of which more later) and are then consecutively numbered within each precinct in the space provided beneath the number of the election. The removal or the insertion of cards would thus break the numerical sequence. In the second place, each card is perforated at the side, and the cards are fastened in the boxes by passing a metal rod through the perforations and then locking or sealing the rod so that it cannot be removed without breaking the seal. As a matter of fact, the election laws now generally require precautions of this sort for cities using *Wahlkarteien*. Some of the earlier card files were defective in that the cards were not fastened and locked in the boxes. One interesting feature found in Potsdam and elsewhere is that the boxes are constructed in such a way that the sides may be let down. When a voter's ballot is cast, his card is stamped or marked in the appropriate space so as to have a permanent record of the fact that he voted. It is then turned over in the file and is thus separated from the cards of those who have not yet voted. This procedure makes repeating more difficult and also aids the counting of the cards of those who have voted after the polls have closed. The number of cards turned over plus the number of *Wahlscheine* used should equal the number of ballots cast.

ADVANTAGES AND DISADVANTAGES OF CARD FILES

The Potsdam system obviously has advantages. Less time is required to get ready for an election than in those cities where the voters' lists are typed or written out in longhand. Thus in Leipzig, it takes eight days to write out the voters' lists and then the lists may have to be re-checked for errors in copying. Where old lists from previous elections are used, these are even less satisfactory. It is harder for the precinct election clerks to use old lists where names have been crossed off and new names added at the end in the form of supplements. But the precinct card file of registered voters may be kept continuously up to date. It is a simple matter for the election office to change, remove, or add cards as the occasion demands. Nevertheless, the system of having only one register of voters, the boxes of which are distributed among the precincts, has certain defects. On election day, the central election office is without any record of the voters and hence is not able to answer inquiries which may arise. Moreover, if the voters' card files are regularly consulted by other city departments, the work of these departments is hindered during the preparation for and conduct of an election. These objections could be removed by having two complete registers, one for the central election office and the other for distribution among the voting precincts. This, however, would involve extra initial and operating expenses. Hence, because of these difficulties, a few cities (*e.g.*, some of the Berlin boroughs, and in particular, Nuremberg, which until recently had the Potsdam system) have now introduced a new plan, that of precinct lists of voters prepared by means of an addressograph.

ADDRESSOGRAPH LISTS

In Nuremberg[1] the permanent register of voters is kept at all times in the central election office. The record of each voter, however, is not in the form of a pasteboard card as in Potsdam but consists of a small metal plate of zinc. The plates are filed in wooden boxes, each box containing two hundred plates. The boxes in turn are kept in rows of double steel cases with work tables in between the rows. By means of a stamping machine, each metal plate is stamped with all the information usually found on the ordinary voter's card. Where change of address or other alteration occurs, the plate in question is simply re-stamped, thereby obliterating the old address and inserting the new one in the same place. It has been found that plates may be restamped four or five times without making the type or print illegible. The cost would be much greater if a new plate had to be made for each alteration. The files of plates are used by various city departments in exactly the same way as the card files. Little or no difficulty has been experienced in reading the plates, especially when the top surface is painted white.

---

[1] For a good description of the Nuremberg plan, see Maximilian Meyer, "Die Verwendung von Adressieranlagen für Wahlkarteien" (The Use of Addressographs in the Preparation of Voters' Registers), *Zeitschrift für Kommunalwirtschaft*, xix (April 10, 1929), pp. 393–396. See also the pictures and descriptions of the plates and addressographs in *ibid.*, xvii (Sept. 25, 1927), pp. 1515–1519.

Just before an election, the plates are run through a printing machine or addressograph and thus lists of voters for each precinct are prepared. The addressograph is equipped in such a way that it will print only from the plates of those who are qualified to vote at the election in question. For example, a person may be qualified to vote in a *Reichstag* election but not in a city council election on account of not having resided within the community a sufficient length of time. Hence in preparing lists for a city election, the machine may be set so that it will print only those plates which are marked "municipal qualified voter." In the same way, separate lists of men and women voters may be made. Since the addressograph is employed only in getting ready for an election, it may be used by other city departments in the period between elections. The total cost of installing the new system in Nuremberg, including all equipment and 300,000 metal plates, was about $17,550. Because of this expense, the system is best suited to large cities.

The principal forms of voters' records in Germany have now been described. It remains to speak of various other details of registration. It might be supposed that the registers are so well kept that no special scrutiny would need to be made just prior to an election. Nevertheless, the laws everywhere insist upon certain safeguards designed to insure the accuracy and completeness of the records. Thus the voters' lists or cards are required to be thrown open to public inspection for a period varying from eight to fourteen days. Within this time, any person may file written objections against any errors or omissions in the register. If an objection is filed, the central election office decides the case subject to appeal to the *Bürgermeister*, *Magistrat*, or similar city authority. After the period of public inspection is ended and the register is closed, no further changes may be made except those resulting from decisions on objections already filed.

ELECTION POST CARDS

A very effective check on the register is found in the use of election post cards (*Wahlpostkarten*). These are mailed out early in the inspection period to all voters entered on the register. The form used is substantially as follows:

> Mr. Karl Schmidt, 10 Blank St. You are registered as No. 250 in the voters' register for the city council election on (date). Your polling place is (address). Please bring this card with you to the polls.

The election post card not only serves as a means of identification at the polls but it also enables the election office to make a careful check of the register. Thus, where a card is returned undelivered by the post office, the name of the voter in question will be stricken off. The election office also publicly advertises that eligible voters who have not received post cards should immediately file a claim with the election office before the period for public inspection expires. This notice is especially directed to young persons who have just reached the voting age, and to those who have recently changed their addresses.

Of special interest in this connection is the way in which Munich and other cities combine the use of election post cards with a complete self-census of the voters. In Munich, about six weeks before an election, printed cards and instructions are delivered by the police to the owner or manager of each house within the city. The owner or manager in turn then distributes the cards among the qualified voters residing within his house, and instructs them to fill out the cards in ink and return them to him before a specified date. Where persons are out of town or are unable to fill out their own cards, it may be done for them. The house manager checks each card, places the cards in an official returning envelope, signs, and seals it, certifying on the back thereof the names of those who were given cards but failed to return them. The envelopes are thereupon collected by the police and delivered to the central election office. Each card consists of three parts separated by perforations, all three of which must be filled out by the voter. The central office checks the voter's self-made record with its own records and arranges the cards prepared by the voters according to voting precincts. The cards are then consecutively numbered and the number of the voting precinct is also indicated. Each part of the card has the voter's number and the precinct number entered upon it. Next, the three parts of the cards are detached from each other, two of the parts which are exactly alike being put into voters' registers. In effect, the voter makes out one registry card for the card file in the polling booth and another registry card for the duplicate file in the central office. The third part of the original card filled out by the voter is the post card which, when officially endorsed with the voter's number and precinct, is mailed back to him to show that he is duly registered and to serve as his means of identification at the polls. The post card is not valid as a token of identification unless it bears the official endorsement of the election office. Such was the system used in Munich for the *Reichstag*, state, and provincial elections of May 20, 1928. It should be added that such an elaborate check-up is not necessarily made before every election. The card files thus prepared in Munich have spaces for six different elections.

FLEXIBLE PROVISIONS

One final point deserves consideration. As has already been pointed out, no German may vote unless he is regularly registered or unless he has an electoral certificate (*Wahlschein*). The general purpose of a *Wahlschein* is either to permit a registered citizen to vote in some place other than that in which he is registered, or to allow an unregistered citizen to vote in the precinct in which he should have been registered. According to the *Reichswahlgesetz* (Art. 12), a registered voter may claim a *Wahlschein:* (1) if he of necessity must be absent from his home city on election day; thus, a traveling man residing in Berlin but in Cologne at the time of a *Reichstag* election might vote in Cologne upon the presentation of a *Wahlschein;* likewise, *Wahlscheine* may be used by sailors in voting in their home port a certain number of days before or after an election: (2) if he moves to another precinct or city after the closing of the voters' register: (3) if, in case of sickness or physical infirmity, he finds that some other polling place is easier to go to than his own. This polling place may be in the health resort at which the voter is temporarily staying. Or, if he is in a local hospital on election day, he may receive a *Wahlschein* so that he can vote in the hospital itself. The cases in which a non-registered voter may receive a *Wahlschein* are less numerous. If a person through no fault of his own, has failed within the specified time to protest against the omission of his name from the register, he may still be given a *Wahlschein*. Thus in local elections for which a residence qualification exists, a person may not have completed the residence requirement when the register was closed but may have completed the requirement before election day. In such cases, he may request a *Wahlschein*. Moreover, soldiers may not vote while in the military service. But if a soldier is discharged to civilian life and it is too late to register him for an approaching election, he may receive an electoral certificate. It should be noted that the issuance of *Wahlscheine* by local election offices is surrounded by various precautions designed to prevent abuses. As a rule, the number of *Wahlscheine* issued is very small in comparison with the total number of votes cast.

HOW THE SYSTEM WORKS

The main features of registration for voting in German cities have now been sketched. Viewing registration methods as a whole, certain conclusions stand out. In general, registration is not inconvenient to the voter although Americans would probably regard the requirement of police registration as unduly burdensome. Moreover, the public expense involved in registration is small although here it is impossible to make any adequate comparison with American conditions. In Pforzheim (population in 1925, 78,859), the average cost of an election, including registration, amounts to approximately $2,400, or about five cents per registered voter. Within this sum is comprised the cost of printing and mailing the election post cards and also the expense of preparing voters' lists for the political parties.[1] Other cities, such as Leipzig, Magdeburg, Chemnitz, Nuremberg, and Potsdam, show similar low costs per registered voter. As to registration frauds and abuses, these rarely occur in Germany. In the city of Hörde (population in 1925, 34,575), the city council election of May, 1924, was invalidated because dead men and voters who were out of town on election day were voted in true American fashion.[2] In another instance, a precinct election board stuffed the ballot box.[3] There may have been a small number of similar frauds in other cities but these were the only cases which came to the writer's attention during an extensive examination of the files of newspapers, municipal journals, and reports.

On the whole, then, German registration methods meet the tests of a good registration system. It is not proposed that the German plan be adopted *in toto* in the United States, but there are many good features now used in German cities which might well be applied in American municipalities.

[1] Pforzheim, *Verwaltungsbericht für das Rechnungsjahr 1925*, pp. 34–35.

[2] *Kommunale Umschau*, i (Feb., 1925), p. 13.

[3] *Vossische Zeitung*, morning ed., Feb. 25, 1928, note on the Neuruppen case.

REGIONAL VARIATION IN MUNICIPAL BORROWING RATES

BY EARL L. MOSER

University of Oregon

Every one knows that western municipalities pay higher interest rates on borrowed money than eastern cities. The purpose of this article is to show how great is the difference and why it occurs. :: :: ::

It is commonly assumed that western cities are forced to sell their bonds on a higher yield basis than eastern cities. Little study has been made of the accuracy of the assumption in spite of the fact that definite knowledge on this question would be of interest and value to city official, banker, and bond buyer.

In an attempt to answer the question of how great a differential exists between the borrowing rates for cities in various parts of the country the writer has collected data on 815 bond issues sold during the years 1926 and 1927 by cities in the states of Massachusetts, New York, Illinois, Iowa, California, Oregon, and Washington. The 800 issues include all bonds sold by municipalities in the states mentioned, about which sufficient data were available to obtain the yield to maturity. The source was the state and city section of the *Commercial and Financial Chronicle.* The states named above were chosen at random before the study was begun, as being fairly typical of the eastern, middle western, and far western sections of our country.

It is well to bear in mind that the study is to make comparison between different regions of the country, and not between individual cities. A possible course of procedure would have been to average the rates for all cities within each region and make comparison of results. The fault with this method of procedure is that the east has more large cities than the west and, apart from regional differences, large cities enjoy a lower borrowing rate than small cities. In order to eliminate this difficulty all cities were placed in three size groups, the rates for cities within each group were averaged, and regional comparison made on the basis of the size groups. The size groups[1] chosen were:

1. Cities below 5,000 population.
2. Cities between 5,000 and 30,000 population.
3. Cities above 30,000 population.

The results of the study are presented in Table I below.

TABLE I

Average Borrowing Rate for Cities of Various States

	1926			1927		
	Below 5,000	5,000 to 30,000	Above 30,000	Below 5,000	5,000 to 30,000	Above 30,000
Oregon and Washington	5.22	5.41	5.12	5.18	4.99	4.27
California	4.72	4.56	4.47	4.41	4.373	4.36
Oregon, Washington and California	5.00	5.15	4.77	4.71	4.80	4.34
Iowa and Illinois	4.69	4.69	4.33	4.59	4.57	4.03
New York and Massachusetts	4.40	4.33	4.12	4.14	3.97	3.93

[1] Based on 1920 census.

A glance at the table is sufficient to make apparent some interesting and significant facts.

THE BORROWING RATE INCREASES AS ONE MOVES WESTWARD

It is to be noted that in every case, *i.e.*, for each size group and for each of the two years, the rate is lowest for the eastern group, followed in order by the middle west and finally by the Pacific northwest. That the same sequence holds for each of the size groups and for each of the years is significant in pointing very definitely to a higher borrowing rate as one moves west. The possible exception to this principle, as shown in our present study, is California. Evidently California rates are more nearly equal to mid-western rates than to those of the Pacific northwest. An attempt will be made later to explain why the California rates are lower than other far western rates.

AMOUNT OF DIFFERENTIAL IN RATES

Of course, the reader can make what ever comparisons of rates he desires It may be well, however, to point out the amounts of certain differences. Let us first make comparison of rates found for the middle western states with those of the eastern states. The table below shows in each case how much higher is the middle western rate than the eastern.

Perhaps the reader should be warned not to take these differences as final and absolute. In the first place, only two states have been chosen as representative of each region. These states, Iowa and Illinois, to represent the middle west and New York and Massachusetts to represent the east, are only samples, but, it is believed, good samples of their respective regions. In the second place, the amounts of the differences would undoubtedly be changed if the cities were placed in different size groups. Finally, the exact differences of 1926 and 1927 might not be the same for other years. With these warnings in mind one may safely say that the cities of Illinois and Iowa pay from .25 per cent to .50 per cent more for their funds than do the cities of New York and Massachusetts.

Tables III and IV are self-explanatory.

From Tables III and IV might be drawn the following general conclusions which, however, must be subject to the limitations previously mentioned — cities in the Pacific northwest pay from .75 per cent to 1 per cent more for their borrowed funds than cities in the east, and from .25 per cent to .75 per cent more than cities in the middle west.

WHY DIFFERENCES EXIST

The question of why these regional differences exist is difficult of definite and conclusive answer. Perhaps the best explanation is the well-known economic law that capital is not absolutely liquid, *i.e.*, there is resistance to the free flow of funds from one place to another, and this resistance increases

TABLE II

Amount by Which Middle Western Rate Exceeds Eastern Rate

	Cities below 5,000	Cities between 5,000 and 30,000	Cities above 30,000
1926	.29	.36	.21
1927	.45	.60	.10

TABLE III

AMOUNT BY WHICH PACIFIC NORTHWEST RATE EXCEEDS EASTERN RATE

	Cities below 5,000	Cities between 5,000 and 30,000	Cities above 30,000
1926	.82	1.08	1.00
1927	1.04	1.02	.34

TABLE IV

AMOUNT BY WHICH PACIFIC NORTHWEST RATE EXCEEDS MIDDLE WESTERN RATE

	Cities below 5,000	Cities between 5,000 and 30,000	Cities above 30,000
1926	.53	.72	.89
1927	.59	.42	.24

as the distance between place of supply and place of demand increases. The greatest supply of funds for investment is in the east. Investors in the east hesitate to send their money to distant and comparatively unfamiliar places. The far west is both distant and unfamiliar. California rates are lower than those of Oregon and Washington partly because San Francisco and Los Angeles in themselves are centers of investable funds. In addition, it is ventured, California is better known in the east than the states immediately north of her.

Another reason may be presented to explain the higher western rate. In the mind of the investor new communities have somewhat less stability than those long established. The latter have met the test of time; their industries have proven ability to survive and pay the taxes necessary to carry a debt burden. The investor, consciously or unconsciously reasons, "the newer the city or community the greater are the chances that debts will outreach tax paying power." Of course, the west is newer than the east.

Of these two reasons the writer is inclined to give greater credence to the former. Borrowing rates are higher in the west because capital is afraid of the distant and the unfamiliar. If this is true, it behooves the investor to investigate the actual risks of western city bonds. He may find that an Oregon city bond with a 5½ per cent yield may be fully as safe as an eastern bond yielding but 4½ per cent.

THE MUNICIPAL ASSEMBLY—NEW YORK'S HOME RULE LEGISLATURE

BY RUSSELL FORBES

Secretary, National Municipal League

The municipal assembly has failed to seize the opportunity afforded it by the new home rule powers possessed by cities in New York state.

THE municipal assembly of New York City is a two-chambered legislature, composed of the board of estimate and apportionment as the upper house and the board of aldermen as the lower house.[1] Its sole function is to enact local laws which amend the city charter. It is the agency through which the city exercises its home rule powers granted by the Home Rule Law of 1924.

Both the board of estimate and apportionment and the board of aldermen have a dual personality. The board of estimate convenes weekly as the upper branch of the municipal assembly, considers the items on its calendar, adjourns, and immediately thereafter convenes for the consideration of the multitudinous matters which come before it as the central fiscal and administrative body of the city. Likewise, the board of aldermen convenes, transacts business, and adjourns each Tuesday as the lower branch of the municipal assembly, and thereupon meets for the consideration of regulatory and administrative ordinances and the discharge of its other regular functions. When acting as a branch of the municipal assembly, each board has the same personnel as when it fills its regular rôle. The only exception in voting procedure is that the president of the board of aldermen and the borough presidents, who vote as members of the board of estimate branch, have no vote when the aldermanic branch considers the same law to change the city charter.

Before passage by either branch of the municipal assembly, a local law is subjected to a public hearing. Such hearings before the board of estimate and apportionment frequently give rise to voluble and heated remarks pro and con by interested individuals and groups. In the board of aldermen the public hearing is a farce. The meetings of the board of aldermen have long since degenerated into mechanical, dry-as-dust routine. After passage by both branches of the municipal assembly, local laws must be signed by the mayor and filed with the secretary of state before taking effect.

In certain cases, the action of the municipal assembly in changing the charter is contingent upon approval of the city electorate. Any local law which changes the provisions relative to special assessments, the issuance of bonds, the administration of the pension funds, and other fiscal matters, must be submitted to referendum upon presentation of a petition signed by 15 per cent of the qualified voters. In the absence of such petition, local laws changing the fiscal procedure take effect without popular approval. Up to this time, no petition for referendum has been presented, for nearly 200,000 signatures would be required.

---

[1] For a discussion of the New York board of aldermen see McGoldrick, NATIONAL MUNICIPAL REVIEW, vol. XIV, p. 360, and for the board of estimate and apportionment see supplement by same author, NATIONAL MUNICIPAL REVIEW, vol. XVIII, p. 125.

In certain other cases, local laws must be subjected to referendum without submission of petition. For example, a referendum is required if the law abolishes an elective office, or curtails the duties of an elective officer; if it creates a new elective office; changes the procedure of leasing city property; affects the administration of public utility franchises; or provides an entirely new charter. To date, one local law has been submitted to the voters for approval. This occurred in 1927 when the voters approved local law No. 12, permitting the city to lease for housing purposes land taken in excess condemnation proceedings. This law, the Walker-Heckscher plan for slum clearance, has as yet accomplished nothing.

EXPECTATIONS NOT FULFILLED

The adoption of home rule and the creation of the municipal assembly in 1924 was hailed as the dawning of a new era in municipal government in New York City. With the removal of the yoke of Republican domination at Albany, the city administration was presented with the long-sought opportunity of simplifying governmental procedure, abolishing superfluous offices, and creating new administrative departments, all of which were greatly needed to produce economy and efficiency in municipal administration.

Has the municipal assembly measured up to its opportunity? Has it accomplished what was expected of it? It is quite generally agreed that it has not. In the five years of its existence, the municipal assembly has enacted seventy-four local laws. The vast majority of these laws have been of trifling consequence, and closely resemble the typical special law formerly passed by the state legislature at Albany. A great deal of the work of the municipal assembly has been concerned with such subjects as the creation of additional offices, increases in salaries, and changes in the pension allowances of civil servants. Perhaps the two most important local laws have been the reorganization of a part of the finance department and the creation of the department of hospitals.

Local law no. 16, passed in 1926, consolidated the bureaus of the finance department which collected revenue, taxes, and assessments, when due and in arrears. This change not only simplified and reduced the cost of administration of the finance department, but has proved a great boon to the taxpayer, who can now pay all his financial obligations to the city at one office instead of traveling from place to place and standing in line in each as he formerly was compelled to do.

On February 1 of this year the department of hospitals, created by local law no. 9 of 1928, took over the administration of the twenty-seven municipal hospitals formerly distributed among and supervised by the department of health, the department of public welfare, and the trustees of Bellevue and allied hospitals. The department of hospitals is faced with a great opportunity. If it fulfills expectations, it will bring about a scientific and uniform administration of our municipal hospital system and achieve incalculable benefits for the city's poor and infirm.[1]

Another local law of great moment (Local law no. 13, 1929) is now awaiting action by the voters. On April 4, Mayor Walker introduced a bill to create a department of sanitation. It is proposed to give the department of sanitation full jurisdiction over the cleaning of streets, and the removal of ashes, garbage and snow, which is now in charge of the department of street cleaning for the Boroughs of Manhattan, Brooklyn, and Bronx, and in charge of the borough presidents of Queens and Richmond. The department of sanitation would also be given authority to erect and maintain incinerators for the disposition of such waste materials. Most important of all, it would have charge of sewage disposal, which is now supervised by the president of each of the five boroughs. This highly meritorious proposal, needless to say, met with stubborn opposition from the borough presidents. Since it curtails the functions of the borough presidents, who are elective officers, this proposed local law must be submitted to referendum vote to become effective.

---

[1] See article by Dr. McCombs, "Consolidation of New York City Hospitals," NATIONAL MUNICIPAL REVIEW, July, 1929, pp. 451–3.

POLITICAL ALIBIS DIE HARD

When home rule was an issue in New York state, it was argued that New York City could and would administer its own affairs and shape its own government without interference from the up-state Republican majority in the legislature. But it is not unfair to state that our city administration now feels the lack of Republican interference, which hitherto served as a good campaign excuse for its own shortcomings.

Each year witnesses a steady procession of our city officials to Albany, urging the passage of special laws introduced at their behest to change the charter of New York. Even the shortest memory will recall that the Walker administration was well represented at the 1929 session of our state legislature, lobbying and pleading in committee hearings for the passage of laws to create the department of sanitation and the city planning board for New York City. It seems well established that both laws were assured of passage; but at the last moment their sponsors walked out and failed miserably to promote their enactment. Immediately upon the adjournment of the legislature, the Walker administration issued a statement, laying full blame at the feet of the Republicans and promising to let the voters know in the forthcoming campaign of the iniquity of their political opponents. Both of these important measures could have been enacted by the municipal assembly without reference to the state legislature. One, the proposal to create the department of sanitation, had already been introduced. Since the legislature adjourned such a measure, as noted above, has been passed by the municipal assembly. No action has yet been taken to create a city planning board by local law. In all fairness, can we not conclude that our city administration is playing the time-honored political game of "passing the buck to Albany" as a camouflage for local inertia?

RECENT BOOKS REVIEWED

The National Civil Service Reform League: History, Activities and Problems. By Frank Mann Stewart, Ph.D. Austin, Texas: University of Texas, 1929. 303 pp.

Not since Dorman B. Eaton's great work on the Civil Service in Great Britain, published just half a century ago, has the merit system received such a thorough and accurate treatment and such sane and logical consideration as in this book. True, the work is not a history of the competitive system itself but of the National Civil Service Reform League, but so closely have the activities of this League been interwoven with the whole movement at every step of its progress that Mr. Stewart's treatise becomes also in effect an exhaustive account of civil service reform in the United States up to March, 1928, the date at which this study was written, and it is the best and completest we have ever had.

The National League is fortunate in having for its historian a man of painstaking and accurate scholarship with a thoroughly trained mind. There is nothing slipshod about the book. The amount of labor required to compile the facts, as shown by the footnote citations of the work, as well as by the bibliography appended, must have been enormous. It is a really scientific treatise. The subjects discussed are logically classified, with a summary at the end of each chapter.

It is astonishing for one who has been in the thick of the fight almost from its beginning to see how truthfully every phase in the struggle has been described by an outsider and how the important and essential facts have been set forth in their proper perspective. There are occasional repetitions but these are inserted to make more clear the continuity of the theme. To those interested in the merit system the book is most absorbing. The author gives us a brief account first of the development and character of the spoils system and next of the early efforts at reform; of the organization of the League in 1881 and the enactment of the Civil Service Act of 1883, and then a history of the League under seven Presidents, from Cleveland to Wilson (1885–1913). He next considers its methods—its propaganda, the extensions of the classified service, and its defense against the attacks on the system by spoilsmen—including many investigations of abuses; following this he discusses the new questions of personnel administration which have arisen mainly since 1913 (the date of Wilson's accession to the presidency), and then some questions of internal organization, finance and program; finally there is a summary and conclusion of the whole. The book is written in a clear and lucid style, is well printed and the proofreading has been carefully done. In its way the work is a masterpiece. Everyone interested in the merit system ought to read it through. There is no space here for more than a few extracts. Regarding a proposal to repeal the civil service law and substitute an act for so-called scientific employment the author says:

> Congress, which "is still the well-spring of patronage and the fortress of what is left of the spoils system" cannot be trusted to repeal the act of 1883 and provide a sounder act in its place. That is the present attitude of the League on the proposal to substitute a new Employment Act for the historic Pendleton Law (p. 216).

The following summary is added on this subject:

> When the spoils evil has been entirely eliminated from American politics the League can afford to abandon its traditional aims and methods and to turn its entire attention to the scientific development of personnel administration. But until that time arrives, and it has not yet arrived, it cannot afford to neglect the old fight against the spoilsmen. That work is no less important today than it was in the days of Eaton, Curtis, and Schurz (p. 227).

The concluding chapter of the book, reviewing the entire field, contains the following:

> In educating public opinion, in extending the merit system and in defending it against all attacks, we see the League at its best. These activities are the primary ones. There is constant need for an agency to enlighten the public, to fight aggressively for the expansion of the rules and to protect what has been won. In these respects the work of the League has been admirable. Here it is upon firm ground, carrying out the original purpose of its founders. In the field of personnel administration the contributions of the League have not been so significant. . . . (p. 257).
>
> We are not yet ready to discard the aims and the methods of the pioneer civil service reformers. The fight against the spoils system, the extension of the merit system into new territory and the protection of all that has been won from the

spoilsmen, are as important today as they ever were. It is futile to try to install scientific system of personnel administration unless the spoilsmen are driven out and the system is guarded against their return. . . . (p. 261).

William Dudley Foulke.

* * *

Comprehensive City Plan. By John Nolen. Roanoke, Va., 1928.

On June 10, 1929, Roanoke, by a resolution of acceptance by its city council, joined the growing list of cities which have in one form or another adopted a city plan. Whether the council's immediate reference of the entire plan to a new citizens' advisory committee will result in wide accomplishment or in stalling and pigeonholing, as has happened in some cities, depends entirely on the citizens. No city plan can carry itself out.

Roanoke has the distinction of having had two plans, and by the same expert, in the brief history of modern American city planning. The recommendations of the report of twenty-one years ago, "Remodeling Roanoke," prepared for the women's clubs, are reviewed in the present document, prepared for an official commission. Some of the earlier proposals are found to be now too expensive, but "many other proposals are still possible." Evidently few or none were at that early date carried out.

The report deals at length with those aspects of the physical city now most in the public eye and subject to municipal action: thoroughfare system in considerable detail including parking problems, airport, civic building groups, grade crossing elimination, park and recreation systems, school sites, zoning, appointment of a finance commission and a civic art commission, and several problems of special local importance such as stadium, high school athletic field, fair grounds and the improvement of stream courses. With its 76 large pages including 72 photographs and colored insert maps, it leaves Roanoke little excuse for not actually ordering its future along far-seeing lines.

Arthur C. Comey.

* * *

The Neighborhood Unit. By Clarence Arthur Perry. Volume VII, Regional New York and Its Environs, Monograph I. New York, 1929.

At a time when we are being reminded on every hand, by printed word and hard fact as well, that mere city planning or town planning is on too small a scale; that we must meet the problems of a supermobile and distance-disregarding people by planning for ever larger units—the region, the state, the nation—it is healthful to be reminded that, on the other hand, it takes many a mickle to make a muckle.

Drive they ever so far of a Sunday afternoon, toil they ever so far from where they sleep, urban folk still are grouped in families and families live in houses that they regard as homes, and homes are set in neighborhoods.

Clarence Arthur Perry, by his writing and his counsel, has had a great influence in shaping the life of many neighborhood communities. In this monograph he brings together the fruit of his experience, his observation and his reflection to lift into greater significance the problem of the local neighborhood.

He sees the city, or the region, as a group of neighborhood cells, and for the healthier life of the whole he would have us pay more attention to the well-being of the cells, which, being multiplied, make the whole.

Any large metropolitan area has three kinds of communities. First, there is the metropolitan region embracing many municipalities, a sort of family of communities; second, the city, county or village community; and third, the neighborhood community. Only the second of these has any political framework, although the first and the third have an important influence on the political life and development. The neighborhood unit, more vaguely defined than either of the other kinds of communities, often has greater unity and coherence, and is of fundamental importance to society.

That such a neighborhood should have a plan is demonstrated by example, both of the "horrible" type where there is failure to provide the necessary conveniences and amenities, and by more hopeful instances of what has been accomplished in many residential communities.

That the schoolhouse should be the center of the neighborhood, that it should be bounded by main traffic arteries but not traversed by them, that it should provide its own local centers for shopping and service, that it should have its own open spaces for play and for beauty, and that it should have a color and tone all its own—these things are brought home to the man or woman who reads this monograph from the point of view of a citizen. For the planner, the administrator, the social scientist, there is such a wealth of material in text, in graph and in illustration as to make the publication quite indispensable.

More than is the case in most books about planning for places for people to live in, this book keeps always the people and their lives first and the places they live in second—a humanness that makes it better to read and not one whit less valuable as a guide for the pencil of the planner.

Mr. Perry in this work has done a great service and has added another justification to the efforts of the Russell Sage Foundation to illumine the whole vast and intricately complex problem of regional planning.

LOUIS BROWNLOW.

*

COUNTY MANAGEMENT. By Wylie Kilpatrick. University Station, Virginia, 1929. 46 pp.

Mr. Kilpatrick's pamphlet on county management constitutes without question the most noteworthy contemporary contribution to the growing body of literature on this subject. The study is largely objective; in this respect it is decidedly superior to the majority of the previous works in the field, which have been almost wholly *a priori* or argument by analogy, both of which methods are, at best, unscientific.

Mr. Kilpatrick finds, upon investigation of "developing patterns of county government" in Virginia and North Carolina, that county manager plans fall into four general groups: the limited manager plan, the financial clerk or auditor plan, the directing engineer plan, and the system utilizing the popularly elected executive with an appointive auditor. While the survey legitimately is limited to North Carolina and Virginia, its value might have been enhanced by a consideration of the New Jersey supervisor, the Arkansas county judge, the Tennessee and Alabama probate judges, and the Georgia optional manager plan, as well as the Los Angeles, Denver, Cook, and Pittsburgh county systems. The author believes that the idea of coördination and coöperation underlying the manager plan is sound, but indicates that the objects may best be secured by coöperation of a voluntary character and by technical improvement without actual concentration of power in the hands of a single chief executive.

The third, and concluding, section of the pamphlet is partially *obiter*, and contains a number of rather sweeping generalizations. It is asserted that the manager plan is applicable only to organizations in the "handicraft" stage of development, and that the single manager idea is now obsolete in both private and public administration (p. 43). From these propositions the reviewer dissents. He finds inacceptable also the statement that "if the county is properly officered with directors of services . . . (the manager) becomes a superfluous supernumerary" (p. 46).

It seems, then, that the last word on county management remains unwritten. Dr. Porter probably will not accept the substance of Mr. Kilpatrick's proposal; Mr. Childs doubtless will be reticent about acknowledging the efficacy of a program of cohesion which does not involve unification and centralized responsibility. This suggests that the author's rôle, instead of being that of a Stanley sent to rescue the Livingstons in this "dark continent" (p. 41), may be a bit more quixotic than he imagines; the Don, however, had but one windmill to fight.

ROWLAND A. EGGER.

Princeton University.

*

STANDARDS YEARBOOK, 1929. *Bureau of Standards Miscellaneous Publication No. 91.* Washington, D. C.; Superintendent of Documents, U. S. Government Printing Office, 1929. 401 pp.

This is the third in the series of annual handbooks on standardization compiled by the specifications division of the U. S. Bureau of Standards.

The *Standards Yearbook* was first published in 1927 in response to a widespread demand for a condensed statement of national and international activities in standardization. The 1929 volume is even better than its predecessors. It discusses fully and completely the work of the various international standardizing bodies, and devotes many pages to telling in detail the work performed by the Bureau of Standards and other technical divisions of our federal government. It also briefly sets forth the standardization activities of various trade associations of the United States.

Of particular interest to government officials is Chapter VII, which describes the work of state, county, and municipal governments in adopting and using specifications in purchasing. This chapter interestingly tells the standardization methods followed by various governments, shows the extent to which specifications are used in purchasing, and reports the use made of scientific testing in the enforcement of specifications. The 1929 *Yearbook* is a valuable help to any official interested in the use of scientific standard specifications in the purchase of supplies, material, and equipment.

Russell Forbes.

* * *

MUNICIPAL REPORTS

Clawson, Michigan. *Annual Report for the Fiscal Year Ending December 31, 1928. L. P. Cookingham, Village Manager.* 58 pp.

For a report covering the activities of a small town this one does very well. Immediately following the letter of transmittal and foreword comes a five-page review of the work of the village commission—a very commendable feature, but it should have been condensed to half the space. Then in fairly logical arrangement appears an account of the activities of the administrative departments. Why the list of "future needs" is placed about two-thirds through the report is not clear. This is an important feature and should have occupied a conspicuous position. The principal weakness of this report, however, is its almost total lack of illustrative material. More pictures and charts and fewer dry financial tables would have enlivened the report, enhanced its attractiveness, thus making it more interesting to read. In spite of these rather glaring defects the report is entitled to a fairly good rating.

East Cleveland, Ohio. *Eleventh Annual Report Under Council-Manager Government. For Year 1928. Charles A. Carran, City Manager.* 63 pp.

Here is a very attractive and dignified public report. If it had been issued more promptly after the period which it covers and had contained more illustrative material, instead of being among the best reports of the year it actually would have been the leader. There are only two other obvious defects—a lack of emphasis upon important facts and too many financial tables. The favorable features include a good organization chart; a clear and concise letter of transmittal, which does, however, fail to make mention of future plans; a proper balance of space allotted to the various activities; and a clear presentation of the context. All in all an excellent report.

Staunton, Virginia. *Twenty-First Annual Report Fiscal Year Ending March 31, 1929. Willard F. Day, City Manager.* 50 pp.

The reviewer is pleased to record a marked improvement in this report over the one issued a year ago, and when it is remembered that Staunton stood fifth in the final rating of reports in 1928, this becomes no mean compliment. To begin with, this report reaches two desirable objectives equalled in a single report by but one other this year—the report was available to the taxpayers in less than six weeks after the close of the period covered, and it was presented within fifty pages. The organization chart which comes at the front of the report contains not alone the structural plan of the municipal government, but also gives the title of the head of the administrative unit and lists the main activities for which he is responsible. Then follows a letter of transmittal by the city manager which for conciseness and directness stands alone among the reports reviewed by the writer this year. It is to be regretted that the illustrative material does not maintain the high standard of the other features, but nevertheless this is one of the very best that have been reviewed in these columns during the past two years.

Clarence E. Ridley.

JUDICIAL DECISIONS

EDITED BY C. W. TOOKE

Professor of Law, New York University

Excess Condemnation—Recoupment of Costs.—In *Cincinnati* v. *Vesper*, 33 Fed. (2d) 242, the Circuit Court of Appeals, Sixth Circuit, affirmed the decree of the district court, enjoining the condemnation of the plaintiff's property in excess of the amount actually needed by the city to widen a street upon which the lands abutted. Section 10 of article 18 of the Constitution of Ohio adopted in 1912, provides for excess condemnation with power to sell the property not needed "with such restrictions as shall be appropriate to preserve the improvement made." The ordinance authorizing the condemnation stated that the additional area was taken "for the more complete enjoyment and preservation of the benefits to accrue from the taking of the 25-foot strip" to be used for street purposes.

The evidence in the instant case showed that the real purpose of the excess condemnation was to sell such excess at a profit and use the proceeds to pay for the improvement. Neither the remnants theory nor the protection theory seems to have been applicable under the facts. It was not shown that the land in question was a mere incidental remnant of the plot to be used for street purposes nor that the city had any plan for using it for beautifying the street or for extending building restrictions. The only point of law therefore in the case was whether the public benefit that might accrue to the municipal treasury by an increase in value of the land is such a public use as will sustain the exercise of the power of eminent domain.

It seems plain that under the state constitutional amendments in Ohio, as well as those in New York, Massachusetts and Wisconsin, such a taking would be considered for a public use, but the court holds that under the Fourteenth Amendment the mere financial benefit to the condemnor cannot be held to be a public use that justifies the appropriation of private property, even upon payment in full to the owner. With this limitation upon the power, it is plain that little or nothing has been gained by the amendments to the state constitutions, for an excess taking that would satisfy either the remnant theory or the protection theory would probably be sustained under the general principles of eminent domain. Whether, therefore, excess condemnation for recoupment of the expense of a public improvement is to be sustained must await the decision of the Supreme Court, to which an appeal may be made.

*

Zoning—Discontinuance of Non-Conforming Use.—In *State ex rel. Dema Realty* v. *Jacoby*, 123 So. 314, the Supreme Court of Louisiana upholds the validity of a zoning ordinance of the city of New Orleans, which requires the abandonment within one year of any non-conforming use in a restricted district. The action was brought on the relation of another property owner, who claimed that the continuance of the defendant's retail drug store in the residence district after the expiration of the time limit was of special injury to the plaintiff's property. In holding that the plaintiff had a right of action and that a preliminary injunction should be made absolute, the court finds that the city had the statutory power to pass such an ordinance and that it does not contravene either the state or federal constitution.

As applied to the defendant's use of her property, the court justified this exercise of the police power upon "the inflammable tendency of much of the contents of these stores," and further holds that the ordinance is not discriminatory as it applies to all persons similarly situated. Whether the effect of such an ordinance is to deprive an owner of property without due process of law is still an open question. Many statutes require the existing use to be recognized, and several state courts have held that to deprive the owner of such a use violates the due process clause of the Fourteenth Amendment. An appeal to the Supreme Court in the instant case would bring this question directly in issue. It would seem that the ordinance in question, being absolute and without exception, would be held to deprive the defendant of her property without that due process guaranteed by the federal constitution.

*

Special Assessments—Repayment of Moneys Collected Upon Abandonment of Project.—The question of the right of property owners to recover moneys collected by special assessment upon abandonment of the enterprise seldom arises. But in *District of Columbia* v. *Thompson*, 30 Fed. (2d) 476, the right of the municipality to retain moneys under such circumstances was directly in issue. In 1912 the commissioners of the District instituted a proceeding to condemn land for the extension of Lamont Street northwest, the cost to be defrayed by special assessment of lands abutting on the street in certain designated squares. The necessary lands were condemned, but the District never proceeded to open the extended portion of the street and when in 1926 the plaintiff demanded the repayment of the money collected from her the auditor of the District replied that "the official files of the engineer department indicate that it was never the intention to open Lamont Street between squares 2604 and 2605 to vehicular traffic because of the excessive grade." Upon the trial of the action brought to recover the funds, it appeared that no street improvement of any kind had been undertaken and that in 1924 the District authorities had laid a curb and sidewalk across the end of the existing improved street that effectually obstructed any vehicular traffic over the extended area.

In sustaining a judgment for the plaintiff, the court held that the basis of the assessment was the benefit to accrue from the opening of the street and that having failed to realize such improvement the District's action in retaining the moneys could not be upheld. The court cited *Bradford* v. *Chicago*, 25 111. 411, and *Valentine* v. *St. Paul*, 34 Minn. 446, as authorities for its conclusion that under these circumstances an action lay against the municipality for money had and received. As bearing upon the running of the statute of limitations, the court held that evidence of definite abandonment dated from the communication of the auditor above referred to.

The District has appealed this case to the Supreme Court and its decision will be awaited with interest. No one can question the justice of the decision. Under the most favorable view, if there was no intention to use the lands for street purposes, the taxation of plaintiff's property was without warrant in law. Nor should the statute of limitations be considered to run against the rights of the plaintiff, till notice of the illegality of the act which deprived the plaintiff of her money was brought to her attention.

Home Rule—Amendment of Charters.—In 1915, the legislature of Massachusetts enacted a statute "to simplify the revision of city charters" (General Laws, ch. 43) which granted to cities other than Boston the right to amend their charters by adopting the provisions of that act applicable to the one of four optional forms which the city might choose. In 1928 the city of Fall River acting under this authority adopted what is known as "Plan D" charter. Prior to this action the members of the board of police of the city were appointed by the governor and council, and the police department was under the control of such board. The question whether the adoption of the new charter effected an abolition of the existing board of police and vested the power to appoint a new board was raised in the case of *Sullivan et al.* v. *Lawson et al.*, 166 N. E. 850, an action by the petitioners, as appointed by the city manager under the new charter, to compel the recognition of their right to the office of members of the board of police.

In holding that the statute of 1915 did not confer the power upon the city by amending its charter to abolish the existing board of police with its full supervising power on the department, the Supreme Judicial Court relies upon the fundamental principle of legislative control of municipalities, which it construes to forbid any delegation of charter-making power unless by the clearest intendment. The language of chapter 43 of the General Laws reads: "This chapter, so far as applicable to the form of government under the plan adopted by the city, shall supersede the provisions of its charter and of the general and special laws relating thereto and inconsistent herewith." But a later clause states that the inhabitants of a city voting thus to amend its charter "shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties, liabilities and obligations provided for in this chapter, *or otherwise pertaining to or incumbent upon said city as a municipal corporation*." The italicized clause, the court says, is a limitation upon the general terms and prevents the act from conferring any new powers upon a specific city. "The right and power to control its police did not pertain to and were not incumbent upon Fall River."

The Supreme Court of Ohio in *City of Bucyrus* v. *Department of Health of Ohio*, 166 N. E. 370, has recently construed the article XVIII of the state constitution to subordinate all local health regulations to the provisions of statutes covering the same subject. Section 3 of the amendment adopted in 1912 reads that "municipalities shall have authority to exercise all powers of local self-government and to adopt and enforce within the limits such local, police, sanitary, or other similar regulations as are not in conflict with general laws." It is apparent therefore from the wording of the amendment that as to local sanitary measures or police regulations the municipalities are in no different situation since the adoption of the amendment than they were before, except that now they have a general power which may be limited by statute whereas previously the power had to be enforced by the legislature. In the instant case, the approval of the state department of health to a proposed sewage disposal system of the city was held to be necessary, such approval being required by the general law.

Both of these decisions are based upon the logical application of well-established rules of statutory construction. The contention that the legislature of Massachusetts did not intend the result which the court draws from the word of the statute does not seem to be well founded. If the legislature intended to effect a different result, it singularly failed to distinguish between a grant of powers and a change in governmental machinery. It seems clear that the legislature intended by the act of 1915 to make a change only in the method of administering existing powers and that the court correctly construed the statute.

*

Public Parks—Liability of City for Negligence in Maintenance.—Two decisions recently handed down illustrate the different rules applied in the various states as to liability of municipalities for negligence in the care of public parks. Such liability is enforced in New York and in perhaps a majority of the states, the function being considered for this purpose to fall on the proprietary rather than the governmental side of municipal activities. In *Lamm* v. *Buffalo*, 225 App. Div. 599, the Appellate Division of the Fourth Department of New York affirmed a judgment recovered in the municipal court against the city for damages incurred by a traveler on the highway who was struck by a baseball batted from a park diamond. The negligence, if any, consisted of inviting ball games to be played so near the public highway as to subject travelers to an unreasonable hazard.

Massachusetts holds strictly to the doctrine that cities and towns are not to be held liable for negligence in the care of parks unless a statute expressly imposes such liability. In *Hennessy* v. *Boston*, 164 N. E. 470, the plaintiff, who owned premises adjoining a public playground, prayed for a permanent injunction against the acts of the city which resulted in a continuing trespass to her property from baseballs knocked into her grounds and the invasion of her lands by the players to recover them. In affirming so much of the decree as granted the injunction prayed for, the Supreme Judicial Court of Massachusetts supported the jurisdiction of equity upon the express ground that the plaintiff had no remedy at law against the defendant city. Under the facts of the case, the equitable remedy seems far more effective than an action which would give the plaintiff only damages for the injuries suffered.

*

Airports—Municipal Airports as a Public Utility.—By the authority of *State ex rel.* v. *Abele*, 119 Ohio St. 210, 162 N. E. 807, decided in 1928, every ordinance for the establishment of a public utility was held to be subject to referendum. In the case of *State ex rel.* v. *Jackson*, 167 N. E. 396, the Supreme Court of Ohio had before it an original suit in mandamus to compel the authorities of the city of Canton to submit to a vote of the electors an ordinance for the purchase of lands for a municipal airport. As the previous ordinance had been adopted authorizing a bond issue for the same purpose, the contention was made that the ordinance in question was not the initial legislation upon the subject and therefore not subject to a compulsory referendum. The court thus had before it the question whether an airport is a public utility, all legislation regarding the establishment of which would be subject to the approval of the electors. The statute gives full authority to municipalities "for purchasing and condemning land necessary for landing fields either within or without the limits of a municipality for aircrafts and transportation terminals and uses associated therewith or incident thereto, and the right of way for connections with highways, electric, steam and interurban railroads and improving and equipping the same with structures necessary or appropriate for such purposes." Upon a consideration of the terms of the statute, the court concluded without further argument that a landing field for aircraft is a public utility, and the writ of mandamus was allowed.

JUDICIAL DECISIONS

Streets and Highways—Statutory Liability of Counties for Care in Maintenance.—By section 2408 of the General Code of Ohio the board of county commissioners is made liable for damages resulting from its negligence in failing to keep in proper repair a state or county road established by such board in the given county. The courts of that state have held, however, that in those cases where subsequent statutes have imposed upon the state the duty to care for state roads the section does not apply (*Weiher* v. *Phillips*, 103 Ohio St. 249). In an action to charge the County of Erie with liability for an accident due to defects in a highway within that county, the question arose as to whether the road was to be considered a state or county highway. The state had taken steps to improve and take over the road, but the construction of the improvement had not been begun. In *Bellard* v. *Board of Commissioners of Erie County*, 167 N. E. 404, the Supreme Court of Ohio held that under the statute the county would remain liable until the actual construction of the improvement by the state was begun, and that if negligence were shown the plaintiff was entitled to recover.

A situation, however, might arise wherein, after the construction or assumption by the state of a highway, the county authorities under a delegated power agree to take over its maintenance. By the laws of South Dakota, counties were likewise made liable for negligence in the maintenance of county roads, and the courts have also held that upon the transfer of this duty to the state the statutory liability would not apply. But the statute authorizing the assumption by the state of county roads as a part of a trunk-line system provides that the work of repairing and maintaining such road can be performed "by day labor, by convict labor, or by contract or by agreement with the board of county commissioners." In *Cain* v. *Meade County*, 233 N. W. 734, an action was brought against the county for damages due to a defect in a state highway which the county had agreed to maintain and keep in repair.

The Supreme Court of South Dakota held the county liable, not by force of the statute, but upon the express ground that the county by its agreement with the state had become an independent contractor and as such has assumed a duty to the public. For its failure to perform such duty, the court holds it to be liable to any member of the public injured thereby, without regard to the question whether the duty is governmental or proprietary in nature. It may be observed that the liability predicated by the court in this case is not statutory but is based upon the common law principles of agency. The county is considered to be in the same position as any private independent contractor who by contract assumes obligations which involve the performance of duties to third persons. The application of this theory of liability to subordinate state agencies seems to be novel, but in fact it is closely akin to the theory of Judge Selden in *Weet* v. *Brockport* (15 N. Y. 161) which established the New York doctrine of liability of cities and villages for injuries due to defective streets and highways.

PUBLIC UTILITIES

EDITED BY JOHN BAUER

Director, American Public Utilities Bureau

The Service Charge Before the Commissions.—The service charge, or its equivalent "initial charge," continues to absorb the attention of the commissions. We shall briefly review the more important cases of the past year.

In most instances the companies are not seeking to establish a pure service charge, as distinguished from a commodity charge for gas. They have supported a modification, by including a small quantity of gas with the amount that would otherwise appear as a service charge. The typical form has been $1.00 per month, per customer, for 200 cu. ft. of gas or less, and a commodity charge of 9 cents or more per 100 cu. ft., according to circumstances. The *service charge* is thus presented as an "initial charge," and is offered as the first step in an assumed block system of rates. A pure service charge would include no gas for the fixed monthly payment.

The Brooklyn Union Case

This form of rate has received the support of the American Gas Association and is being sought by gas companies all over the country. In 1928 the Brooklyn Union Gas Company presented a schedule of this type. This was opposed by the city of New York and the Gas Consumers' League, who contended that the proposed initial charge was not justified on proper analysis and allocation of costs. They contended also that the form of rate was illegal because it was really a service charge, which is prohibited under the New York statutes. In February of this year, the New York Public Service Commission by a vote of three to two, rejected the schedule upon the ground that the company had not sustained the burden of proof to justify the proposed initial charge, which was 95 cents per month per customer.

Following this decision the Brooklyn Union Gas Company applied for a re-hearing, which was granted. The company has produced further testimony, and has presented further technical exhibits and cost allocations. The scope of cost analysis has been extended materially. The city and consumers are preparing a detailed cost study of typical service districts. They are contending that the larger customers would be unduly benefited by the new schedule, and the smaller consumers would be unjustly penalized. They propose to show that the cost of serving the larger customers is much greater than for the smaller customers; that the latter as a group are already more than paying their way; and that the larger customers as a group are served without adequate return to the company. This re-hearing is regarded as the major test case before the New York commission, both as to the law and cost analysis. The small consumer side is being presented probably with much more completeness than in any other case heretofore considered.

Brooklyn Borough Case

While the New York commission rejected the Brooklyn Union initial charge schedule, it has since approved a similar rate, put into effect August, 1927, by the Brooklyn Borough Gas Company. In all fundamental respects, the two cases appeared to involve the same issues and kinds of facts. The city and the consumers had expected the same decision in the Brooklyn Borough as in the Brooklyn Union case. There are, however, distinguishing considerations.

In the first place, the Brooklyn Union schedule was suspended; and the old rates were actually in effect when the decision was made. But the Brooklyn Borough rates had actually gone into effect before an investigation was started; they were not suspended during the period of inquiry. The commission, therefore, was not confronted merely with the rejection of a proposed schedule, but with the ordering of new and different rates from those actually in force. Such an order would have brought objections on the part of many customers.

A second point. The differences in conditions of service in different parts of Brooklyn Borough territory are probably not so great as in Brooklyn Union territory. There are, it seems, less extremes between elaborate single-family districts, and apartment house and tenement regions. There are, apparently, less distinct poorer districts affected by the initial charge than in Brooklyn Union territory.

A third point. Although the commission allowed the initial charge in the Brooklyn Borough case, it ordered a reduction of .5 cent per 100 cu. ft. in the commodity rate, on top of an earlier reduction of .5 cent made by the company as of January 1, 1929. Since this case had started, there had thus been a total reduction of 1 cent per 100 cu. ft. in the commodity rate, while in the Brooklyn Union schedule no commodity reduction had been provided.

With respect to the law, the commission held that the form of rate did not come within the statutory prohibition of a service charge. Mayor Walker has requested Corporation Counsel Arthur J. W. Hilly to ask for a re-hearing, both as to the law and facts. If upon re-hearing, the commission should again sustain the initial charge schedule, an appeal will doubtless be taken, at least, with respect to the legal issue,—whether or not the initial charge is a violation of the New York statute prohibiting a service charge.

Hearings on State-Wide Uniform Gas Rates

Besides the New York City cases, the New York commission has also under consideration an initial charge case in the city of Buffalo, with like issues and facts. In addition, it has held hearings on general gas rate structures, with the purpose of developing greater uniformity of rate schedules for the state at large. Up to date the hearings have been devoted to testimony presented on the part of the gas companies, which have appeared, with unanimity, in support of the service charge or initial charge. They have presented no other phases of rates as to which they desire revision and greater uniformity. They contend that the prevailing flat rate for gas results in a large amount of unprofitable business; that the smaller consumers are carried at a loss, which must be borne by the larger customers; that the rate is inequitable and prevents the desirable development in the gas business.

The city of New York has been joined by several other municipalities in opposing this general company movement in support of the service charge. The witnesses of the New York City companies have been subjected to rigorous cross-examination, with the purpose of showing that there are no such customer costs as alleged, and that the smaller consumers as a class are not carried at a loss as claimed. The hearings were adjourned during summer, and will be resumed during autumn. Cross-examination of the companies' witnesses will be continued, and direct evidence will be presented on the part of the municipalities.

Public Service of New Jersey

The same service charge issue was raised in New Jersey when the Public Service Electric and Gas Company in December, 1928, filed a new schedule of rates. The old rate for domestic consumers was $1.20 per M cu. ft., with a minimum bill of $1.00 per month, per customer. The proposed rate was $1.00 per month, per customer, for the first 200 cu. ft., or less, and 9.5 cents per 100 cu. ft. for the next 49,800 cu. ft. This includes practically the entire domestic group. While further reductions were provided for larger quantities, they did not apply to ordinary domestic consumption. The new schedule would have resulted in higher rates for all customers using under 3,300 cu. ft. per month, and in lower charges for those using over 3,300 cu. ft. per month; increases for about 75 per cent and decreases for about 25 per cent of the consumers.

The municipalities of Northern New Jersey opposed the new schedule and asked for a hearing before the board of public utility commissioners. The rates were suspended during the investigation. Upon request of the municipalities, the commission engaged Adolf J. Luick to make an independent study of the proposed schedule. He reported that it was not unreasonable, and would not bring the amount of return to which the company is entitled. He brought up to date the valuation of the properties, and made an allocation of costs along the lines sponsored by the American Gas Association.

After this report was published, the municipalities engaged Dr. Edward W. Bemis to make a special study for them, and he testified on cost allocation. The company placed in evidence Mr. Luick's report, together with other testimony and exhibits. The commission rejected the schedule as proposed by the company on the ground that an insufficient quantity of gas was included in the initial charge. It prescribed the inclusion of 400 instead of 200 cu. ft. per month for the $1.00 initial charge. For the next 1000 cu. ft. it fixed 11 cents per 100 cu. ft. instead of 9.5 cents as proposed; beyond this block it adopted the commodity rates in the company's schedule.

The commission subscribed to the doctrine that the flat rate is discriminatory as between classes of customers, and that the initial charge type is a more equitable form of rate. It considered the several classes of costs, but refused to include among customer charges important items which were so classed in the Luick report. The schedule as prescribed is, of course, less burdensome upon the small consumers than the rejected rates. On the basis of 1928 business, it is expected to produce no more revenue than the company was receiving under the old rates.

The commission allowed, in the initial charge, customer costs which it believes are not fully provided for under the flat rate. It adopted virtually Dr. Bemis' analysis of 58.9 cents per customer per month, plus the cost of 400 cu. ft. of gas. In adopting this figure of 58.9 cents as a service charge for everybody, the commission, it seems to us, arbitrarily followed an average and disregarded the material differences in such costs as between different classes of consumers. Nor did it consider what we believe is the fact, that larger customers as a class are served at much greater unit costs than small customers, with regard to other very important elements of cost.

Elements of Service Costs

Meter reading, for example, is unquestionably a customer cost and considered by itself might be properly included in a service charge. But there are great differences in the cost of meter reading between service districts. In a large modern apartment, the reading cost per meter is small because of the large number to be read in one place, and the short amount of time consumed in passing from one building to another. In districts of single-family houses, especially of the more elaborate type, the unit cost is much greater, because there is but one meter in each premise, and the bulk of time is used in passing from one house to another. Hence, a properly determined charge for an apartment-house section, would be much lower than for a single-family residential district. An average would overcharge the one class and undercharge the other.

Practically all the customer costs are greater per customer in the sections of more elaborate single-family houses than in apartment-house districts. Hence, a uniform service charge based upon average unit costs, discriminates against one class in favor of another. This discrimination applies not only to apartment-house consumers, but to the large numbers of poorer consumers who live in densely settled tenement sections.

A second consideration, completely disregarded by the commission, is the fact that the larger residential customers as a class live in single-family houses of the more elaborate type, and the smaller consumers in densely settled districts. While as individuals the large customers consume larger quantities of gas than the apartment-house or tenement dwellers, collectively they use much less in proportion to the districts served. They consume much less gas per thousand feet of mains or in proportion to investment in distribution system. They are responsible for much greater costs per customer, or per M cu. ft., of gas sold, for all the distribution costs. The relative unit costs are not determined by individual consumption, but by the collective use made in the different districts. This collective density factor was given no consideration by the commission.

Considerable attention was given to apartment houses, partly because the consumers are mostly of the smaller group, and partly because they are usually among the more well-to-do classes. So far as cost of service is concerned, the condition of supplying gas to large modern apartment houses produces the maximum relative economy, both as to meter reading and ordinary customer costs, and, particularly, as to other distribution costs, especially as to the principal items—maintenance of mains and interest on investment in mains.

The controlling difference between an apartment-house section and a single-family district is not the quantity of consumption per customer, but rather the relation of the total of each kind of cost to the total number of consumers and the total quantity of consumption. If several typical districts had been thoroughly studied and the cost analyzed, we firmly believe that both as to customer costs and the other large distribution costs, the facts would show relatively much lower unit costs in the apartment-house and tenement sections than in single-family house districts. This means higher unit costs for the larger customers as a group, as to both kinds of cost.

Perhaps we are wrong as to what the facts would prove. But it is investigation and analysis of this sort which are needed before a final pronouncement may be made that the flat rate is discriminatory against large consumers and that the service charge removes the discrimination.

Great emphasis was placed upon customer costs, and the failure of the flat rate to provide for them. But there should be emphasis, also, upon the sectional diversity of customer costs, and upon the great disparity of other distribution costs with relation to districts and their aggregate gas consumption. If all these factors were properly taken into consideration and given reasonable weight, the alleged discriminatory aspect of the flat rate with respect to customer costs would probably appear less impressive, and a service charge less imperative for the just treatment of large consumers.

Through the uniform initial charge, and through the uniform lower commodity charge, the New Jersey commission has authorized double discrimination, as it seems to us, against the smaller consumers as a class. Through the application of artificial averages, it imposed upon them higher customer costs, as well as greater distribution costs, than are actually incurred by the company in their behalf.

Other Service Charge Cases

The service charge is also one of the issues before the Georgia public service commission. During the past year this commission authorized a service charge for gas in Atlanta and several other municipalities supplied by the same company, also for electricity furnished by the Georgia Power Company. And it has now before it a proposed service charge for Augusta, which is opposing the new schedule and is preparing for a complete investigation of the facts and issues. In the meanwhile steps are being taken by other municipalities to have a thorough examination made by the commission, not only as to gas rates, but also electric rates in the entire territory served by the Georgia Power Company.

The Massachusetts department of public service is another commission which has been struggling with the service charge. About a year ago it handed down a decision rejecting an initial charge as then proposed by the Boston Consolidated Gas Company, and pointed out that not more than a 50-cent service charge would be justified. The company then appeared with a second schedule which did not follow the commission's suggestion and was rejected. Since then it has filed a third schedule which provided a 50-cent service charge and was approved by the commission. Now, however, the small consumer's side has been taken up vigorously by Mayor Nichols who, through petition filed by Assistant Corporation Counsel Samuel Silverman, has obtained a re-hearing of the case. Presumably a thorough cost study will be made by the city.

The next two or three years will undoubtedly witness a continuous struggle over this troublesome service charge question. The difficulty up to date has been the treatment of the matter upon general and abstract grounds, or so-called principles, instead of concrete investigation and analysis of facts.

On the companies' side, there has been an extreme doctrinal espousal of the service charge as a cause. There has been overemphasis upon customer costs and the inclusion with customer costs, items that have no dependence upon the number of customers. On the public side there has been inadequate preparation to meet the issue in most cases, and too many commissioners and commission engineers have been inclined to the doctrine without factual investigation and cost analysis.

MUNICIPAL ACTIVITIES ABROAD

EDITED BY W. E. MOSHER

Director, School of Citizenship and Public Affairs, Syracuse University

Berlin Acts to Reduce Danger of Skidding.—Public authorities in the city of Berlin have been making an extensive investigation of methods whereby skidding on slippery asphalt pavements may be reduced. The local government has just appropriated two hundred thousand marks for the express purpose of roughening the surface of the asphalt pavement. One half of this sum is to be used in treating some pavements by special machines, the other half for covering others with a light coating of tar and fine stone or some similar material. Street crossings and the spaces where brakes are likely to be used are to be subjected to such treatment first.

Consideration was given to the possibility of replacing asphalt that has already been laid. This however seemed out of the question as there are something like fifty and a half billion square meters of such surfacing in the city at the present time. It was estimated that the cost of replacement would exceed two hundred million marks.

It has been determined not to use asphalt in the restoration of streets which are now paved with it, and this in spite of the many advantages of this type of pavement. In other words it has been decided to sacrifice all of the advantages of asphalt pavement because of slippery condition in wet weather.

Some experiments have been made with rollers that are equipped with a device that imprints upon the asphalt a criss-cross effect, like a waffle. Special attention is also to be given to the method of cleaning the streets so that the film of oil which comes from the automobile may be more regularly and more completely removed.

Automobile drivers are to be warned to avoid dripping oil and to see to it that the treads of the tires are not worn smooth and, above all else, to drive cautiously when the pavement is wet.—*Zeitschrift für Kommunalwirtschaft*, July 10, 1929.

*

Sub-Surface Use of Highways.—The increasing construction of hard roads on the one hand and the rapid expansion of public utilities such as gas, electricity, telephone, water and drainage, on the other, call for far-sighted planning and imaginative engineering in the name of economy and public convenience. This will become the more mandatory as time goes on, when overhead wires for telephone or electricity in the urban areas will be taboo. A series of papers on the sub-surface use of highways has recently been running in the well-known English periodical, the *Municipal Journal and Public Works Engineer.* The various factors which must be taken into account in the development of a comprehensive policy for the sub-surface use of highways are given careful consideration. By way of approach it is emphasized that highway authorities have been inclined to regard surface utilization as the be-all and end-all of road construction, and in seeking durability have paid too little heed to the needs and implications of sub-surface uses. Concrete and steel reinforcements have been utilized for road construction, regardless of the immensely increased difficulty and expense thus placed on public utility distributors.

The gist of the matter is best brought together in the report of an expert committee appointed by the Surveyors Institution. The heart of their recommendation is that in all cases of extensive street improvement and widening, a subway be provided that will care for all underground services with the possible exception of high-tension electric cables. Even in case of short streets which will probably later be extended such a subway might well be installed, as a beginning must be made somewhere. With the construction of a subway to provide for most of the utilities it will be unnecessary to tear up the streets over and over again, either for the purpose of making repairs or for increasing the capacity of the given service.

It is pointed out that all subways should be thoroughly ventilated with access to the outer air, and regularly patrolled.

The specifications are also included in the report of the expert committee covering the laying of pipes where a subway is not obtainable. Among other things it is suggested that wherever pipes are laid in ground that does not afford a solid foundation, steel pipes should be used. Any pipes of nine inches in diameter or less should be laid at a minimum of three feet from the surface of the road to the top of the pipes. Mains of larger diameter should be laid at a minimum of five feet where practicable, but in no case less than four. High tension mains should be not less than three feet six inches below the surface and covered with some material sufficiently strong to prevent accidental penetration. Cast-iron ducts or heavy metal plates are recommended as suitable for this purpose.—*Municipal Journal and Public Works Engineer*, June 28, 1929.

*

Beautifying the Roads.—England may boast not alone of its organization for the preservation of rural beauty but also of an organization that calls itself the Roads Beautifying Association. In view of the new scheme of highways that is being worked out in almost every country the problem of beautifying new roads is one of considerable importance. As is well known, such roads are likely to be barren and unsightly. In order to solve this problem the Association believes that it will be necessary to call on all of the arts. One must be concerned for landscape architecture, including sculpture, for landscape color and for landscape gardening. One leading authority in England maintains that every local government area should have an advisory committee which would consist not only of certain permanent public officials, but also of a city planning expert, in towns an architect-and in the country a landscape gardener.

The Roads Beautifying Association was organized about a year ago. It has secured the coöperation of two leading experts who motored through the country and gave advice as to trees and shrubs most suitable and attractive for each part of the new road. Work was begun at once according to the suggestions of the two advisers.

The Roads and Remembrance Committee, which is affiliated with the Association, has recently appointed an Advisory Committee on Sculpture. This is headed by the presidents of the Royal Society of British Sculptors and of the Royal Institute of British Architects. It is their function to advise as to the suitability of works of sculpture including fountains, bird baths and seats for the decoration of roads, as well as to pass upon suitable sites for these ornaments or monuments.

The author of the article expresses the hope that the Labor party "with its feeling for beauty in nature and art will take the lead" in this movement.—*The Local Government News*, June, 1929.

*

Self-imposed Professional Standards.—The last annual report of the Institute of Municipal Treasurers and Accountants of Great Britain is of interest because it gives evidence of the method followed for maintaining high standards among its membership. As is well known, it is one of the associations of local governmental officials which has won recognition on the part of local authorities in that the latter require the official recognition of candidates for positions on the part of the Institute before appointment. According to the report covering 1928–29 four examinations were given to aspirants for membership in the Institute. There were 761 candidates, something over 150 more than presented themselves in the preceding year. The difficulty of the examinations may be assumed since in none of the examinations did a majority of the candidates meet with success. In the final examination, for instance, fifty-one applicants tried Part I, but only sixteen, or thirty-two per cent, were successful. One hundred and sixty-seven candidates undertook the final examination in Part II. Of this group only twenty-five, or fifteen per cent, satisfied the examiners. Finally one hundred and thirteen submitted themselves for the final examination in both Part I and Part II of whom only seven, or six per cent, met the required standard.

The membership of the Institute consists of two hundred and ninety-nine fellows, three hundred and seventy-seven associates and two hundred and fifty-one honorary members. There are three thousand two hundred and sixty-two members in the student society.

The professional standards of the municipal treasurers and accountants is attested to by the recognition which they enjoy on the part of other public organizations. For example, the government has asked their consideration and criticism of its proposals in connection with the finances of the county units. The Council was also invited by the Royal Commission on Local Government to submit a memorandum dealing with certain questions concerning the principal offices of local authorities. Representatives were further requested to give oral testimony before the commission on this subject. In conjunction with this the commission asked the members of the Institute to prepare a memorandum on the financial administration of local authorities.

The minister of health, the central electricity board, the Association of Municipal Tramways and Transport and the Municipal Electrical Association have turned to the organization of the municipal treasurers and accountants for coöperation with reference to a number of plans which are under consideration on the part of these bodies. It is obvious that there is a direct connection between the jealous regard given to the qualifications of entrants and the recognition of the Institute in a professional capacity.—*The Municipal Journal and Public Works Engineer*, June 21, 1929.

✣

Meetings of the International Union of Municipalities.—The International Union of Local Authorities is planning for meetings in 1930 at Antwerp and Liege. These meetings are to take place as a part of a celebration of the centenary of Belgian independence. The subjects to be discussed are (1) mixed undertakings of a public and private character and (2) insurance by local authorities.

The next regular meeting of the Congress, which takes place in 1932, is to be held in England. The topics to be considered on this occasion are the actual working of local administrative authorities and the training of officials for local government service. Plans are already under way for setting up questionnaires which will serve as a basis for the reports to be prepared on the practices and plans of various participating countries. If the standards of the reports presented at the March meeting in Seville are to be maintained, two or three years will be none too long a time for preparing the ground.—*Local Government Abroad*, April, 1929.

✣

The Single Tax Again.—In view of the changes in the English scheme of assessments inaugurated within the year, having as one of its features the reduction of the tax burden upon certain classes of producers, the question of assessing property is at present very much to the fore. In this connection the following recommendations of an advisory committee set up by the chairman of the Parliamentary Labor Party to consider the land question, will be of interest. It was recommended that:

"(1) An effective land valuation department be reëstablished and a national land valuation be put in hand. This valuation should be public and should include all land and minerals. It should show (a) the unimproved or site value, and (b) the total value of land, and improvements. The valuation should be kept up to date, and all land should be re-valued at least once every five years.

"(2) A national flat rate land tax at the rate of one penny in the pound be imposed on the unimproved (or site) value, whether the land is used or not. . . . The tax should be collected from the owners, either directly or by deduction from rent. Provision should be made for charging part of the tax upon lessees where these enjoy an element of land value.

"(3) Local authorities should be given the power to levy a local flat rate of any amount on all land values within their area. This rate to be either in partial or complete substitution for the present rates, and to be paid by the owners of empty houses, or unused land just as by those owners who are using their property.

"(4) The land value taxation which we propose should be regarded, primarily, as a means of (a) collecting the economic rent for the community; (b) deflating land values and so cheapening land; (c) promoting the improvement and the most profitable use of land; and (d) facilitating the acquisition of land by Public Authorities.

"But the advocacy of the principle of Land Value Taxation is not confined to any particular political party. Prominent statesmen of all shades of opinion have expressed themselves in its favour, and by many who are not convinced of its general utility it is felt to be applicable to urban areas."—*Local Government News*, June, 1929.

✣

Expanding the Scope of Town Planning.—It has already been noted in these pages that a council has been organized in England for the preservation of rural England. At a recent conference of the Urban District Council it was recommended that local authorities coöperate in the work of this council. The following specific suggestions were made by the latter organization: that full use be made of the Advertisements Regulation Act; that wherever possible the special model clause controlling the design of new buildings be included in town planning schemes with special reference to regional planning programs; that sound standards of taste be set up for the architecture and location of new municipal buildings; that the county council be stimulated to pass by-laws concerning advertisements, gasoline stations and the like; that trees be planted and properly cared for on the roadside; and that local educational institutions be stimulated to include in their curricula guidance in citizenship and the cultivation of taste.

In conjunction with these recommendations the proposal might be cited that the board in charge of the development of electrical services should be requested to require that in the future unsightly overhead wires should be constructed under ground in built-up municipal areas, particularly in view of the projects for extensions of the distributing system.—*Municipal Journal and Public Works Engineer,* June 28, 1929.

GOVERNMENTAL RESEARCH ASSOCIATION NOTES

EDITED BY RUSSELL FORBES

Secretary

Recent Reports by Research Agencies.—The following reports have been received at the central library of the Association since August 1, 1929:

Bureau of Governmental Research, Kansas City, Kansas, Chamber of Commerce:

The 1930 Budget of the Fire Department
The 1930 Budgets of the Health, Garbage and Street Cleaning Departments
The 1930 Budget of the Park Department
The 1930 Tax Rate for Bonds and Interest
The 1930 Budget of the Police Department

*

Buffalo Municipal Research Bureau.—The directors of the Bureau are putting on a series of radio talks on the general theme of "Issues of Good Government." The series began on August 20 and will continue until October 23. The speakers in the series of talks are: Seymour P. White, Walter W. Cohn, Thomas H. Hanrahan, Sidney Detmers, Fenton M. Parke, Eugene L. Klocke, Stephen T. Lockwood, Edward P. Lupfer, Ernest M. Hill, Charles L. Gurney.

*

Griffenhagen and Associates, Chicago.—Under a special act of the legislature, a comprehensive study of the city government of Waterbury has been undertaken. It is under the direction of a citizen commission of five members, all residents of Waterbury, appointed by the governor of Connecticut. The city administration of Waterbury, though expressing some dissatisfaction with the fact that the study is imposed on the city by the state, has expressed its intention of coöperating wholeheartedly. Griffenhagen and Associates have been selected to serve as the technical staff and to conduct the work under the direction of the commission.

The work to be done involves primarily an examination of the finances and financial administration of the city. Naturally, one of the phases of the work will be a thorough audit of financial conditions. The improvements suggested will be tied up with amendments to the city charter, authorizing or prescribing the organization and procedure recommended by the report.

*

Milwaukee Citizens' Bureau.—The activities of the legislature have held the attention of the Citizens' Bureau during the longest session in the history of Wisconsin.

A detailed study was made of the gasoline tax, especially with relation to the increasing gasoline tax in other states, the decreasing price of gasoline, and the effect of the two upon consumption of gasoline. A summary report was submitted to the legislature and the detailed compilations by states are now being made available for distribution. The Citizens' Bureau's conclusion was that the proposed increase in gasoline tax from two to three cents would not solve Wisconsin's problem of building a 5000-mile system of hard-surfaced roads. The Wisconsin Highway Commission has said frankly that, at our present rate of unconnected road construction, it will be 30 years before such a system could be completed. The legislature had the problem of deciding whether it would create a centralized fund for construction of through roads under the newly organized full-time highway commission, or whether it would continue the past policy of unconnected road construction. After months of discussion, all gasoline tax bills failed to pass.

The use of home rule in cities and villages other than Milwaukee was compiled from the secretary of state's office records.

The amount of fees and commissions paid by the courts to physicians has been compiled for the year 1928 from the county auditor's office.

In spite of the efforts of civic organizations, an amendment to the home-rule enabling act was passed which will make it practically impossible for Milwaukee to have a comprehensive home-rule charter. The Citizens' Bureau acted as the staff to the charter-drafting committee which worked for two years to prepare a complete revision of Milwaukee's charter of 1874 as amended. Efforts have been started to have the 1929 amendment repealed.

A brief was submitted to the legislature opposing a special assessment law for Milwaukee which provided for the continuance of the present optional practice of having the commissioner of public works determine the amount of special assessments and damages, subject to the approval of the common council. Aside from the major question of policy as to whether the commissioner of public works, or whether more than one man should make the initial assessments and damages, the Citizens' Bureau objected to the bill because it represented merely a further effort to patch legislation dating back to the city charter of 1852. The bill failed to embody, in fact it utterly ignored, all that knowledge and experience which other large cities had gained through wrestling with modern city problems over the past half century. There were also many other technical reasons for considering this bill unsatisfactory for modern conditions, such as the inadequate notice of review of the assessment of benefits and damages. The bill was amended so that a commission of three appointed by the courts will henceforth assess benefits and damages.

A new pumping station, to be in operation by 1936, is under consideration by the water department. The Bureau is engaged in studying the feasibility of this proposed water extension.

✣

National Institute of Public Administration.—The Institute is making a study of the consolidation of the villages of Tarrytown and North Tarrytown, Westchester County, New York. Charles F. Aufderhar is in charge of the work.

The state of New York, at the last session of the legislature, provided for a commission appointed by Governor Roosevelt and the legislature to make an investigation of poor relief and to report a bill in 1930 for the establishment of an old-age pension system in New York State if the commission feels that this is necessary. The research objectives include the following.

1. How many aged in the state of New York are now in want?
2. What kind of people compose this group?
3. What appear to be the chief causes of old-age want?
4. Hiring age limits in industry.
5. What is being done now by the state of New York for the aged?
6. What is being done by private agencies in New York state?
7. What systematic methods of dealing with the aged poor have been adopted in other states?
8. What have other nations done to meet the problem of old-age want?
9. What are the chief questions which must be decided in arriving at a policy for the state of New York?
10. What are the estimated costs involved?

The report for the commission is being prepared by the National Institute of Public Administration. Senator Seabury C. Mastick is chairman of the commission and Luther Gulick is director of research.

✣

New Bedford (Mass.) Taxpayers' Association.—The Association has recently issued two bulletins on the general subject of "The Increase in School Costs." A detailed comparison is made with the other cities in the state of Massachusetts in regard to the value of school plant per pupil, unit cost for support of the schools, and the membership in the elementary and high schools. The increase in the expenditures for education from 1913 to date are considered in detail and analyzed as to cause.

This analysis shows that the cost of education is not only the biggest single item, but has increased more rapidly than other items in the cost of government. The causes for the increase are given as the increase in attendance, particularly in the upper and more expensive grades; the decrease in the purchasing power of the dollar; and the constant increase in teachers' salaries and the expansion of the educational system. An analysis of these causes shows that, after eliminating the increase in attendance and the decrease in the value of the dollar, there is still an increase of 66% due to the expansion of the educational system.

It is hoped that, by developing these basic facts, the city government and the people will be able to think more clearly on matters of proposed increase in expenses for the schools.

✣

New Mexico Taxpayers' Association.—The Association has prepared and submitted to the state comptroller, who has supervision over the finances of the state and its sub divisions, a group of blanks to be used in connection with the preparation of budgets and the control of expenditures thereunder. The principal forms are:

1. A form to be used in the preparation of budgets by cities, towns, and villages.
2. A budget control record whereby the municipal authorities can ascertain at any time the amount of expenditures with reference to the budget estimates.
3. A form of monthly reports showing expenditures under the budget, copies of which are to be sent to the office of the state comptroller.

✣

Schenectady Bureau of Municipal Research.—The report on the space and condition survey of the intermediate and grade schools in Schenectady has been completed and copies will shortly be available for general distribution. The purpose of this survey, which was the result of many months of work on the part of the Bureau staff, was to obtain accurate knowledge of the physical condition of all school buildings and also to determine the extent of pupil utilization of school plants.

The purchasing committee, appointed by the board of directors, met recently and approved the study transmitted to them some months ago. A few minor changes were required and the managing director was asked to draw up a summary of the study for approval by the committee. The report recommends the consolidation of Schenectady buying agencies and the establishment of a central storeroom in order to effect greater economies in city buying.

The Schenectady County League of Women Voters has appointed a committee from its membership to work with the Bureau in the amplification of its charities survey. The managing director of the Bureau plans to visit cities in which charity work is being well handled and, at the conclusion of these visits, the findings will be discussed with the committee and with local social workers. The Bureau is attempting to bring about consolidation and greater efficiency in local welfare administration.

NOTES AND EVENTS

EDITED BY H. W. DODDS

The New York Dwellings Law and Home Rule.—The much-mooted Dwellings Law, enacted by the 1929 New York State legislature to replace the Tenement House Law of 1901, has been sustained in the highest tribunal of the state by a divided court. The act itself has already received attention in these columns.[1] It was warmly opposed by the neighborhood associations as too feeble, by various real estate groups because it went too far, and by the city administration which believed its opponents were more numerous than its supporters. The latter included the larger social agencies and the responsible leadership of the more important real estate organizations in the city. The measure was promptly attacked in the courts as a violation of home rule.

The New York home rule amendment, ratified in 1923, gives the cities of the state power to pass local laws respecting "the property affairs and government of cities." This language was repeated from the 1894 Constitution which gave the mayors of cities a veto over legislative acts relating to "the property, affairs, and government of cities." This clause had been frequently before the courts, and the framers of the home rule amendment sought to incorporate this judicial construction. This was well understood at the time. The Court of Appeals adopts this view. The majority opinion, however, is replete with indications of scant enthusiasm for home rule and an intention to limit it quite strictly.

The truth of the matter is that municipal home rule has few true friends in the city. The movement began back in the Mitchel administration, which is justly regarded as the high water mark of constructive civic effort in the city. That tide rapidly receded with advent of Hylan, with his promise to send the "experts" from the city on the first train. A few put principle above personalities, but important groups insisted that their interests be excepted. The school teachers feared Hylan's attitude toward education. Social workers feared to let him lay his heavy hands on the tenement house code. The traction interests saw to it that public utility problems were left out. And the Republican machine exempted the county governments in New York City in which at that time they had some share.

Even with such home rule as survived, the old legislative habits die hard. Even at the last legislative session Mayor Walker, who talks home rule whenever he happens to think about it, sponsored bills in Albany to increase policemen's salaries, establish a sanitary department and a planning board, and do numerous other things, some of which, being rejected, have since been accomplished at home. And the Citizens Union, no less devoted an advocate of home rule, saw no inconsistency in pressing for legislation which would substitute a convention for the direct primary and give us P.R. Effective home rule in New York State is reduced to control over governmental structure and little else, but even in this restricted domain there is a constant tendency on the part of the present administration and its friends and foes to appeal to Albany. The Dwellings Law decision will swell this trend.

JOSEPH MCGOLDRICK.

Columbia University.

*

P. R. Probably Constitutional in Texas.—Texas may experience attempts to adopt proportional representation in two cities this winter. If Houston or Dallas adopts this system for the election of councillors, the constitutionality of the Hare system will probably be raised in the courts of Texas. Because this problem has generally followed the introduction of P. R. in municipal elections in other states, the legal phase of the Hare system is as significant as the social value of proportional representation.

Investigation has demonstrated that the courts of this state would be justified in upholding charter amendments providing for P. R. Not only does Texas authorize "home rule" charters, but also the historical development of the law here offers little basis for objecting to the Hare system. In some states, cases have been decided on the meaning of the right to vote "for all officers," and in other jurisdictions the courts have endeavored to interpret constitutional provisions for voting "at all elections." One or the other of these phrases generally plays a conspicuous part in legal decisions involving the constitutionality of P. R. The jurists are required to decide whether or not the right safeguarded by the particular phrase is violated by a charter provision that allows the elector's vote to contribute to the election of only one of several officers to be chosen from an election district. It is of interest that in 1875 at the Texas Constitutional Convention the proposed constitution was amended so that the phraseology was changed from " . . . at elections . . . " to " . . . for . . . elective officers. . . ." That the delegates placed no different interpretations on the two phrases indicates they were intended to serve the same purpose. This fact may be of value in interpretating the constitutions of other states.

---

[1] See NATIONAL MUNICIPAL REVIEW for May, p. 305.

In regard to the background of such constitutional provisions, Texas has had an experience in line with New York and other states. It can hardly be doubted that the purpose was to safeguard locally the application of the "Jacksonian Democracy" which included the elimination of property qualification for electors. One of the delegates to the Texas Constitutional Convention is on record as having said, while discussing the measure mentioned above, ". . . that he would be false to the duty which, as a delegate, he owes to the working classes of this state, if he did not most earnestly protest against an incorporation in the organic law of any provision tending to hinder the electors in the free exercise of that right." It is quite evident that the delegates were not attempting to do more than to establish popular suffrage firmly in the Constitution of 1875. The Hare system of proportional representation in no way was involved. Furthermore, the Texas courts have in *State* v. *McAlister* (88 Texas 284) a definite ruling that may contribute to a decision holding that the Hare system is constitutional in Texas.

ROLLAND BRADLEY.

Texas House of Representatives.

* * *

University of Chicago to Hold Police Conference.—The University of Chicago will hold its first police conference November 11 and 12, 1929. Chief August Vollmer, now a member of the University of Chicago faculty, will be the director of the conference, Chief William P. Rutledge of Detroit will be associate director, and Bruce Smith of the Institute of Public Administration, who is now directing a survey of the Chicago police, will be consultant.

The conference is called to discuss the way of preparing the uniform annual police report recently recommended by the Committee on Uniform Crime Records of the International Association of Chiefs of Police, called "A Guide for Preparing Annual Police Reports." Several departments have already issued reports in accordance with this guide, and it is hoped as a result of the conference to extend its use very rapidly.

The conference will also discuss the second report of the Uniform Crime Records Committee on methods of keeping and reporting accurate and uniform records of offenses known to the police. Although the national reporting scheme proposed by the committee has not yet gone into effect pending action at Washington, the new methods will be carefully explained so that police departments can rapidly introduce them.

Police departments in every part of the United States are cordially invited to send one or more representatives to this conference. The meetings will be held in the New Social Science Building, University Avenue and 59th Street. There will be a meeting each morning at 10:30, and another session in the afternoon at 2:30.

Further information may be secured by writing to Chief August Vollmer, University of Chicago.

* * *

Socialist Party Establishes Municipal Research Bureau.—The Socialist Party, at 7 East 15th Street, New York City, has established a municipal research bureau and will publish periodically *Municipal Research Reports*. A collateral service is a bi-weekly news digest of New York politics published by the same bureau. Louis Stanley is director, and Lawrence Rogin, assistant director. The annual subscription to the publications of the bureau is $5.00.

The first copy of *Municipal Research Reports* is devoted to an historical survey of the rise of cities in the United States and the practice and results of municipal reform. The gist of the argument is that municipal reform has been a businessmen's movement against graft and inefficiency. Their slogans have left the great masses of the city population, the workers, cold, because municipal reform presented no fundamental program to aid them. The history and platform of the National Municipal League are reviewed in detail as indicating the scope and shortcomings of the reform movement. Municipal reform is limited, it is asserted, by its middle-class origin.

The problem of municipal government needs all the light that can be thrown upon it and we welcome this new addition to the already formidable list of leagues, associations and bureaus trying to solve the municipal puzzle.

✤

Town Planning in Central Africa.—A. E. Mirams, F.S.I., F.R.S.I., who is consulting surveyor to the government of Bombay has been named on the recommendation of the ministry of health and the colonial office, as town planning adviser to the government of Uganda.

Mr. Mirams is already touring in Kenya and Uganda and expects to remain in East Africa for at least six months.

It is understood that Mr. Mirams will be expected to advise the Uganda government not only on town planning generally but on improvements of existing towns, including water supply, drainage and lighting problems. This is all very interesting as showing to some extent the great progress which is being made throughout the world in town planning and the organization of municipal activities on modern and up-to-date scientific lines. The idea of town planning in Central Africa a few years ago would be scoffed at as being absurd and in advance of the times, but it is not too much to say that the proper layout and development of native towns is one of the duties of empire, and we congratulate the government of Uganda on its foresight.

✤

Ohio Reapportionment Vote Postponed.—In the July issue of the NATIONAL MUNICIPAL REVIEW a movement for reapportionment of representation in the Ohio General Assembly to afford a more equal voice to the urban areas was outlined. Senator George H. Bender of Cleveland, who was responsible for the movement to secure signatures to an initiative petition for a constitutional amendment, announces that sufficient signatures have been obtained. Supporters of the status quo are inclined to doubt this statement as the constitution requires that the petition must be signed by 5 per cent of the voters in one-half of the counties. Less than one-fourth of Ohio's counties are definitely urban. It is not likely that the truth will be learned soon, however, as Senator Bender has agreed to postpone the submission of his petitions until 1930 so that his issue will not be confused with the referendum on the classified property amendment which will be voted upon in November, 1929.

HARVEY WALKER.

✤

Graft in Pasadena.—A former city engineer, two minor employees, and three directors have been indicted in Pasadena, California, for conspiracy to overpay on city work. It appears that something like $100,000 has been expended on several projects in excess of the proper cost. It is probable that other indictments may yet be forthcoming. The projects involved cover both street paving, and out-fall sewer construction.

The bright spot in the whole situation is that it was brought to light through the honesty of other city employees and that the accused are being promptly prosecuted. The city administration as a whole is not involved, the charges being confined to a very small group of men who have been close friends.

✤

Charter Committee Wages Third Campaign for Council.—The city charter committee of Cincinnati, Henry Bentley, president, is in the field for a third time with a slate of candidates for the city council. Friends of good government will wish for it the same success that was attained in the two earlier campaigns. Cincinnati leaders recognize that no form of government can be abandoned to its enemies. They understand that the city council is the center of gravity in the manager plan and that no amount of emphasis upon the office of manager can overcome this physical fact.

✤

Manager Government Preserved.—The voters of Portland, Maine, last month decided to retain the city manager government, following a strenuous effort to overthrow it. The majority for retention was 494. The chairman of the local League of Women Voters acknowledges the assistance of the National Municipal League in the following words: "Your advice and help were of great value to us. Thank you for your support."

✤

Report on Model Accounts.—A feature of the twenty-ninth annual convention of the Union of Canadian Municipalities as reported in the *Municipal Review of Canada* was the submission of a model set of final accounts comprising the financial report of a municipality. E. T. Sampson, city clerk of Outremont, Quebec, was chairman of the committee making the report. The honorary president of the Canadian Union is Dr. W. D. Lighthall, who for many years has been a vice president of the National Municipal League.

*

Philadelphia Abandons Plan to Buy Rapid Transit Underliers.—Philadelphia has given up its plan to condemn the P. R. T. underliers for $139,000,000, the sum demanded by the owners. The proposal was discussed by the present writer in the REVIEW for October, 1928, and its progress further reported in the issue of last April.[1]

In order to put through the condemnation of the underlying street railways, it was necessary for the city to obtain a court order that the indebtedness incurred for this purpose would be self-sustaining. Controller Hadley refused to sign the necessary papers to accomplish this and the city administration brought mandamus proceedings against him. The lower court upheld the controller and the city took an appeal to the supreme court.

During the summer a factional fight developed in the Republican organization, Mayor Mackey joining with the Republican League against the Vare organization. Realizing the unpopularity of the underlier condemnation, both Mayor Mackey and the city council endeavored to place the blame on each other. Finally, just before the primary election a special meeting of the city council, which is controlled by the Vare organization, was called and passed a resolution withdrawing from the condemnation of the underliers and directing the city solicitor to end the appeal taken to the supreme court. The condemnation proceedings are thus finally ended.

Incidentally, the council also directed the withdrawal of the city's appeal in the Locust Street subway case and vigorously attacked the declaration of the special $600,000 dividend paid last August by the Philadelphia Rapid Transit Company.

HAROLD EVANS.

*

Professor Lundquist Made Executive of St. Paul Welfare Board.—Readers of the REVIEW who read Mr. Lefkovitz's article in the August number, "St. Paul Cleans Up Its Welfare Administration," will be glad to know that Professor G. A. Lundquist of the University of Minnesota has been named executive secretary of the new board of public welfare. Professor Lundquist is an author of note on sociological matters. It is felt that the abolition of the old board of control and the creation of a new board of public welfare designated by the mayor will mark a distinct improvement in St. Paul's welfare administration.

*

Close-up of New York Regional Plan.—The newly organized Regional Plan Association of the New York Region has published a close-up of the Regional Plan completed after seven years at a cost of one million dollars. The pamphlet contains maps showing the major projects recommended and in the space of a few pages explains the essential features for the casual reader.

*

The Bureau of Public Personnel Administration, with headquarters formerly in Washington, has moved its offices to Chicago under a coöperative arrangement with the University. The Bureau, representing civil service commissioners in the United States and Canada, is well known to readers of the REVIEW. The affiliation is in furtherance of the plan of the University of Chicago for wider research in governmental problems.

*

The Citizens' League of Kansas City has for two years maintained a Citizens' League Council with gratifying results. The object of the council is to focus attention on civic issues. Following the discussions of the council, open to the public, committees of the League make recommendations for the guidance of the voters. The last session of the council considered whether the direct primary should be abandoned. The verdict of the committee on recommendations was that it should be retained.

*

Automobile Testing Stations.—City Manager Sherrill of Cincinnati has established fifty automobile testing stations throughout the city, for the examination of brakes and lights of automobiles. The stations will be under the supervision of the city's safety director.

---

[1] See NATIONAL MUNICIPAL REVIEW, April, 1929, p. 281.

Published May 28, 1929

The first comprehensive book on

GOVERNMENTAL PURCHASING

By RUSSELL FORBES

Governmental Purchasing is the result of a five-year study by the author of the functioning of purchasing systems in the federal, state, county and municipal governments of the United States and Canada.

It is a synthesis of the best existing practice, illustrated by 80 representative forms in actual use, of each of the various steps of the purchasing system in which the purchasing office plays a part, from the receipt of a requisition or an estimate of requirements from the using agency, to the approval of the claim for payment.

These principles can be applied in the establishment of a new purchasing system, or the improvement of the existing system, in any government. As a further assistance to the practical application of centralized purchasing, the writer has compiled a representative set of laws, examination questions for the selection of a purchasing staff, salary standards, and other data which are presented in the appendices.

This volume is not only a thorough discussion of the advantages and the results of centralized purchasing in government, but is also a manual of procedure. The principles discussed are also applicable to purchasing for a private corporation. It is the first complete and practical treatment of this important subject. It is invaluable for the public official who is engaged in purchasing, or for the researcher, teacher, or other individual who is interested in the improvement of governmental administration.

Cloth bound book, 370 pages and 80 illustrations

PRICE, $5.00

Sold by

National Municipal League

261 Broadway, New York

NATIONAL MUNICIPAL REVIEW

PUBLISHED MONTHLY BY THE

National Municipal League

VOL. XVIII, NO. 11 NOVEMBER, 1929 TOTAL NO. 161

SPECIAL CONVENTION NUMBER

35th ANNUAL MEETING, NATIONAL MUNICIPAL LEAGUE

CHICAGO, NOVEMBER 12-14

CONTENTS

EDITORIAL COMMENT .... *H. W. Dodds* 659

THWARTING OFFICIAL CRIME AND CORRUPTION IN CHICAGO .... *Albert R. Brunker* 663

CHICAGO'S PERSISTENT TRACTION PROBLEM ...... *Paul H. Douglas* 669

HOW CHICAGO AWOKE TO NEED FOR HONEST ASSESSMENTS .... *George O. Fairweather* 675

THE REASSESSMENT OF REAL ESTATE IN COOK COUNTY .... *John O. Rees* 681

THE MERIT SYSTEM IN CHICAGO AND COOK COUNTY .... *Edwin O. Griffenhagen* 690

SIMPLIFICATION OF GOVERNMENT IN METROPOLITAN CHICAGO .... *J. L. Jacobs* 696

WINNETKA, THE MODEL VILLAGE .... *Mrs. B. F. Langworthy* 703

DEPARTMENTS

I. Recent Books Reviewed 706

II. Judicial Decisions .... *Edited by C. W. Tooke* 710

III. Public Utilities .... *Edited by John Bauer* 714

IV. Municipal Activities Abroad .... *Edited by W. E. Mosher* 719

V. Governmental Research Association Notes .... *Edited by Russell Forbes* 722

VI. Notes and Events .... *Edited by H. W. Dodds* 725

The contents of the NATIONAL MUNICIPAL REVIEW are indexed in the *International Index to Periodicals* and in *Public Affairs Information Service.*

GRIFFENHAGEN & ASSOCIATES, LTD.

BUREAU OF PUBLIC SERVICE

Consultants and active assistants on the administrative and financial problems of public bodies in programs of review, audit, and constructive improvement; seventeen years of experience in the service of officials, legislators, and citizen organizations

HEADQUARTERS OFFICES 155 EAST SUPERIOR STREET, CHICAGO
EASTERN OFFICES MILLS BUILDING, WASHINGTON, D. C.

THE LEAGUE'S BUSINESS

Miss Grace R. Howe Leaves Headquarters Staff.—Miss Grace R. Howe, assistant secretary of the National Municipal League since 1920, has withdrawn from the staff of the secretariat. This announcement will cause regret among our members, most of whom have known her personally or by correspondence.

Miss Howe has made a great contribution to the National Municipal League. Ever since the secretariat was moved to its present address, she has shouldered a burden of detailed work. She has been in charge of membership solicitation, direction of charter campaigns, sale of League publications, promotion of League principles, maintenance of a speakers' bureau, and the answering of inquiries. While H. W. Dodds was absent in Nicaragua in 1922, 1924, and 1927, Miss Howe acted as secretary and assumed responsibility for the League's activities. She has been an enthusiastic and indefatigable worker for the League's progress and development.

✱

Report of Nominating Committee.—The nominating committee has made its report and recommendations on the officers of the National Municipal League for the coming year. The committee on nominations for this year was composed of: A. Julius Freiberg, Alfred H. Henderson, Walter J. Millard, Charles P. Taft, II, and Alfred Bettman, *chairman*. The committee submits the following slate of candidates to fill the vacancies occurring this year:

For President—Richard S. Childs, New York.

For Vice Presidents—Glenn Frank, Madison, Wis.; Carter Glass, Lynchburg, Va.; Charles Evans Hughes, New York; W. D. Lighthall, Montreal; Meyer Lissner, Los Angeles; A. Lawrence Lowell, Cambridge; C. E. Merriam, Chicago; W. B. Munro, Cambridge; Frank L. Polk, New York; Miss Belle Sherwin, Washington, D. C.; A. Leo Weil, Pittsburgh.

For Council, terms expiring 1932—Benjamin F. Affleck, Chicago; Alexander M. Bing, New York; Harold S. Buttenheim, New York; Mayo Fesler, Cleveland; Raymond V. Ingersoll, New York; Morris B. Lambie, Minneapolis; William P. Lovett, Detroit; Mrs. John H. Rosenstiel, Chicago; C. O. Sherrill, Cincinnati; Henry M. Waite, Cincinnati.

The report of the nominating committee will be formally presented to the membership at the business meeting to be held at Chicago, Illinois on November 12 in connection with our thirty-fifth annual meeting.

✱

Editor of REVIEW Appointed to Planning Bodies.—H. W. Dodds, editor of THE NATIONAL MUNICIPAL REVIEW, has been named chairman of the Mercer County (New Jersey) Planning Commission, with Russell Van Nest Black as consultant. This commission will undertake to prepare a major highway plan and a park plan for the county. It will also recommend a uniform zoning ordinance for the townships and uniform standards for subdivisions.

Frank H. Sommer, Chairman of the League Committee on Government of Metropolitan Areas, and H. W. Dodds have been made members of the Joint Legislative Committee of New Jersey to study the problems of metropolitan government as it exists in several regions of the state. This commission will work in coöperation with the North Jersey Transit Commission and other commissions charged with responsibility for special services of a metropolitan character.

RUSSELL FORBES, *Secretary.*

NATIONAL MUNICIPAL REVIEW

Vol. XVIII, No. 11 NOVEMBER, 1929 Total No. 161

EDITORIAL COMMENT

Chicago Number

By devoting the leading articles of this issue to a single city, the editors of the Review violate a precedent of long standing. The excuse for laying such profane hands upon the sacred ark of tradition is the thirty-fifth annual meeting of the National Municipal League in Chicago, November 12, 13 and 14.

In spite of their reputation and some unfortunate heritages as to local government organization, Chicago and Cook County have been making progress. In this number Mr. Brunker reports gratifying success in thwarting official crime and criminals. Messrs. Fairweather and Rees recount the successful fight for equitable assessments. The improvement made in this direction and the procedure employed in securing citizen interest and coöperation have not received the publicity they deserve. Juggling of assessments for political purposes may have been more common in Chicago than in most cities, but few are free from this abuse, and many will profit from a reading of the Chicago experience.

Mr. Jacobs concedes that certain improvements have been made in the administrative efficiency of Cook County, but more than four hundred units of local government remain. Mr. Griffenhagen reports progress in civil service in some jurisdictions; in others, however, the merit principle has been prostituted for political ends.

Professor Douglas sketches the present status of Chicago's long struggle for transit consolidation. Although the city has been empowered to bring about a consolidation under an indeterminate franchise, no enabling ordinance has yet been presented to the voters. Sharp differences of opinion exist as to what the franchise should provide, and the day when the problem will be solved is in the "indeterminate" future.

If a perusal of the above-mentioned articles leaves you depressed or discouraged because of the formidable obstacles to improvement, turn to Mrs. Langworthy's article on Winnetka, the model village. Let your optimism be revived by an account of what an American municipality can accomplish when several thousand people determine to live together as neighbors.

*

Court Invalidates Indiana C. M. Law

In 1927 the voters of Indianapolis adopted the city manager plan. In so doing they acted under the optional city-manager–commission-government law passed in 1921. The new system was to go into effect on January 1, 1930.

After years of struggle in the legislature, courts, and at the polls, Indianapolis appeared destined to have a new deal in city government. However, three months before this new deal was to become effective, the state supreme court intervened by a decision declaring the optional government law of 1921 unconstitutional. The reasoning of the court was as follows: The law requires that signatures to petitions praying for an election on a change of government must be certified as sufficient by the city clerk. This means that the city clerk must determine individually whether each signer of the petition possesses the full legal qualifications of an elector. But in the time permitted by the statute it is a manifest physical impossibility for the clerk to pass upon the signatures of 20 per cent of the electorate (the minimum required by law) of a city the size of Indianapolis. The function to be exercised by the clerk is judicial in nature and cannot be delegated. Since section three of the act, which imposes this duty upon the clerk, commands a physical impossibility, the section is void, and because the remainder of the act is not possible of performance if section three is void the whole act falls.

In the judgment of the NATIONAL MUNICIPAL REVIEW, the two justices who dissented from the opinion of the majority expressed the true intent and purpose of the law. According to them, the duty to certify the signatures was a purely ministerial one which the city clerk would properly and naturally delegate to subordinates. No difficulty would, therefore, arise in observing the time limits of the act. Consequently the law was clearly possible of administration and should have been sustained.

The characterization of a city clerk's function to certify signatures as judicial will gain no prestige for the Indiana Supreme Court. The forces which moved the court to such a decision can only be guessed at, but they are serious for Indianapolis and other Indiana cities which are considering the manager plan.

Professor A. R. Hatton declared before the League of Women Voters at Indianapolis that the decision has no parallel in the history of any supreme court of any state. "You not only need a new constitution in this state," he said, "you need a new supreme court." When he added, "If that be contempt, make the most of it," the audience cheered.

*

Wisconsin Moves Towards Executive Concentration The long session of the Wisconsin legislature, recently brought to an end, adopted a number of measures which at this distance indicate a drift away from the state's historical hostility towards concentration of executive power. Wisconsin has been the home of the administrative commission, overlapping terms, and continuing appropriations. The pros and cons of the "Wisconsin idea," in so far as it relates to administrative organization, are too well known to our readers to require repetition here.

Governor Kohler is a forceful exponent of the opposite school. His business experience has persuaded him of the advantages of concentration of administrative control and responsibility. He favors centralized purchasing, the executive budget, and consolidated civil service administration. Under his leadership the Wisconsin legislature passed a centralized purchasing bill which, as Mr. Forbes points out in the Notes and Events department of this issue, goes further in consolidating the buying function for all state institutions, including the university and the highway commission, than most other states have gone. The director of purchases is the governor's appointee, and the first incumbent is F. X. Ritger, formerly purchasing agent of the University of Wisconsin.

Henceforth the state executive will carry the entire responsibility of submitting the budget to the legislature. The legislature can amend the budget in any manner, but the governor's program as submitted will be a matter of record which he cannot escape.

In 1911 Wisconsin established a board of public affairs, composed of the governor, secretary of state, president *pro tem* of the senate, chairman of the senate finance committee, chairman of the assembly finance committee, and three others appointed by the governor and approved by the senate for two-year terms. To this board was delegated accounting control over the state government. The collection of budget estimates and the recommendation of a budget to the state legislature were in the hands of this board. The new legislation implies that the usefulness of the board of public affairs is past and that the times demand a responsible executive budget.

The third step towards centralization relates to the civil service. Practically all employees, with the exception of the education and research services and the elective officials and their deputies, are placed under civil service regulations. A director of personnel has been created, charged with the administration of the department. The commission is confined to quasi-legislative and quasi-judicial functions. By placing the administration under a single man Wisconsin aligns herself with the most progressive school of thought on personnel administration.

As the final indication of the present trend, it may be added that the 1929 legislature substituted three full-time administrators for five part-time commissioners and consolidated a variety of agricultural functions exercised by several commissions and boards into one department managed by three full-time commissioners.

*

Low Prestige Value of Governmental Employment

What do the people think of their municipal employees? Do they regard them as alert, efficient, courteous; or as lazy, wasteful and inconsiderate?

In a little book just off the press,[1] Professor Leonard D. White undertakes to answer the question for Chicago. More than 5,000 persons of all classes and ranks were interviewed and their answers carefully tabulated and analyzed. The returns indicated that in Chicago municipal employees enjoy an unsavory reputation. Majority opinion rated them below corresponding employees in private business. Mathematically stated, the gross prestige index was −14.06.

Professor White properly assumes that the "morale (and hence in part the efficiency) of any group is affected by the group's conception of its social evaluation." This relationship between prestige and efficiency is the justification for the present study.

The method of the study was as follows. Two schedules of questions were prepared. The first consisted of forty questions relating to twenty paired occupations, one in public, the other in private employment, of corresponding salaries and duties. The person interviewed was asked to tell which occupation in each pair he held in the higher esteem. The second schedule was a word association test in which the unconscious responses to such words as policeman, city hall, alderman, health department and the like, were recorded. Four thousand six hundred and eighty persons answered the first schedule, and 690 persons responded to the latter.

---

[1] *The Prestige Value of Public Employment in Chicago.* University of Chicago Press.

Only 18 per cent of all those interviewed believed that public employees exceed private workers in courtesy. Only 9 per cent thought that public employees work harder; only 11 per cent were willing to agree that public servants are more honest than private; 14 per cent considered them more competent. Sixty-five per cent declared that public occupations afforded greater opportunity to attract public attention. Thirty-four per cent believed that people generally think more highly of city hall employment than of jobs with private corporations. Note that more people expressed the opinion that public employment is held in high esteem generally than would admit to such a feeling themselves.

The prestige index varied as between different groups of society. Women as a whole were more respectful of municipal employment than men (although men regarded policemen and detectives more highly than women did). Young people displayed a higher prestige index than older persons. (Age appears to bring disillusionment.) The higher the degree of education the lower the respect for public employees. The foreign born and the unskilled workman rated public employment above private. In the words of Dr. White, "Employment by the city of Chicago apparently tends to command the respect of the immature, the uneducated, the foreign born and the laboring people." This fact doubtless will help explain the grip of the party leaders upon voters in the "river wards." There respect for officialdom, as well as fear and gratitude, operates to the advantage of the politician.

In spite of the general low opinion of public servants, two out of every three persons interviewed stated that their relations with public officials had always been satisfactory. If government is a dog with a bad name, its reputation is due more to rumor than to personal experience. But the question may properly be asked whether Chicago at the moment is a fair sample of the nation. It would be interesting to know what a similar study would uncover in Cincinnati.

The gross prestige index −14.06 is arrived at after an elaborate statistical analysis. Dr. White terms it an experiment. Certainly it must have been lots of fun for those engaged in it. Yet its value as a revealer of truth or as a herald of a new technique may be questioned. May not too much be expected from statistics? As yet statistical studies of political psychology have not disclosed much that an intelligent party worker could not impart in an afternoon's conversation. Of what use is the knowledge that the "gross prestige index" is −14.06? Would Dr. White's conclusions, or his theories about government, have been altered if the index had been +14.06? We think not.

*

As described by W. P. Lovett in the Notes and Events department of this issue, the effort to increase the size of the Detroit council and return to ward elections was defeated by the voters on October 8. Another proposed amendment would have substituted for the present director of the budget "a body of budgeteers" elected in the same manner as the council would have been chosen, with power to consider all budget estimates and to decide the total amount which the city might spend in a given year.

John C. Lodge, who was elected mayor two years ago without a personal campaign, ran third in the nomination primary on the same date. He was defeated by John W. Smith, his chief competitor in 1927, and by Charles Bowles. Mr. Lodge had the support of the Detroit Citizens' League.

THWARTING OFFICIAL CRIME AND CORRUPTION IN CHICAGO

BY ALBERT R. BRUNKER
Executive Chairman, Civic Safety Commission

The battle to drive crime and graft from the state's attorney's office.

ONE year ago a miracle came to pass. The most powerful partnership between politics and crime ever to set itself up in complete control of law-enforcement machinery in a community of such size as Chicago was smashed.

Smashed—but only after the good name of the nation's second city had been dragged down to the very depths during the eight years since 1920. The key to the shameful situation, from which an aroused citizenry sought to free their community, was, and is, the office of state's attorney, the all-powerful public prosecutor of a constituency composing four million souls.

Only after the business and professional men of a metropolis that had come to be known throughout the civilized world as "the Crime Capital" had aroused themselves, and then the public, did the deluge come. It swept away at the polls last year, in April and again in November, the most sinister combination of political criminals since "Boss" Tweed's time.

That is to say, it swept away to political oblivion the man who had extended immunity to the crime and vice syndicates, the bootleg barons, bombers, racketeers, and an army of grafters in public office, so long as they should stay chained to the wheel of his own huge political machine. Yet this tremendous job accomplished by Judge John A. Swanson's nomination and election as state's attorney in November, 1928, took only ten months' time.

It was wonder-working which never could have been accomplished by any political machine nor by any political faction. The hard-headed, hard-boiled group of business and professional men who banded themselves together for the purpose of telling the truth to their fellow Chicagoans know better than to say today: "All is well once more with us all." To boast that Chicago has been "cleaned up" would be to confess that we all have returned to preoccupation with our own affairs.

The men who now make up the executive committee and the permanent membership of the Civic Safety Commission of Chicago are, for the most part, the same men who carried on the pre-primary campaign to "smash the partnership between politics and crime" under the name of the John A. Swanson Business Men's Organization. Our primary purpose was to restore good government in Chicago and Cook County by arousing an unorganized and uninformed—but overwhelming—majority of good citizens to the single purpose of electing an honest man state's attorney of Cook County.

Our present purpose is to continue as a non-political, non-sectarian, non-racial body—a "keep the powder dry" organization—whose only aim is to thwart official corruption and organized crime in Chicago.

How? By holding up the hands of the honest public prosecutor and standing solidly behind him in the redemption of his platform pledges.

Today the city government of Chicago, in practically all of its administrative departments, is shadowed by the grand jury. In the shadow are high police officials—half a dozen of them already under indictment, and the "men higher up" are seeing to it that the sweep-net of a new and presumably honest public prosecutor does not drag them in for fresh derelictions of duty.

Even today the red thread of murder still runs through the daily news and the "pineapple" remains "front-page stuff" in all Chicago papers. The police continue to protest their helplessness to thwart the throwers of bombs, or to arrest them afterward. Chicago has only started, this year, to come back to civic safety.

In the clean-up of a city like Chicago there are two phases in the fight. One phase is punitive in character—it involves the indictment, prosecution, and punishment of any public official found guilty of malfeasance or betrayal of trust by bribery or boodling of public funds. The other is the preventive phase of the state's attorney's function. By direct warning to all public officials, by the big stick of grand jury inquiry, and by the more powerful weapon of exposure through the newspapers, the state's attorney can thwart organized crime and official corruption more effectively than any other agent in America can.

THE PRIMARY OF APRIL 10, 1928

Prior to the April 10 primary, at which the eight-year reign of Robert E. Crowe as public prosecutor and uncrowned king of Cook County politics was ended, the people of Chicago appeared "shock proof." To free Chicago, Cook County, and all their governmental agencies from the grip of grafters allied with gangsters and thugs appeared at the outset almost impossible. Allied with them were the state payrollers in Chicago controlled by the then governor of Illinois, whose two terms at Springfield duplicated in every disgraceful detail those of his Cook County ally, Crowe. Against all these was the Republican minority group headed by Senator Deneen—that little "band of hope" from whom all hope fled early in the campaign, when the strongest vote-getter and most popular public official on the Deneen primary ticket, County Recorder Haas, died.

We started by holding daily luncheons at the Union League Club, to which we invited thirty or forty persons without telling them the purpose of the meeting. My own attendance at the first of these gatherings had been more or less accidental but I listened in amazement to the appalling word-picture of a town turned over to criminals. Business men like myself had, in the past, been too busy and too bored with politics to pay any attention to the civic situation—a situation that now threatened the very commercial life and community safety of our city.

At each of these meetings Harry Eugene Kelly, prominent lawyer, former president of the Union League Club, and United States district attorney at Denver for several years under the Taft administration, addressed the lunchers. In a very short time the machinery to bring out a big vote for Judge John A. Swanson and thereby beat the bipartisan steam roller was set up.

At the end of each luncheon Judge Swanson was brought in to show the small group assembled that day what a fine, courageous candidate we were fighting for. An appeal for funds followed, and the combination of Kelly's startling summation of the shameful state of affairs and the unmistakable character of Judge Swanson never failed to bring generous contributions.

CAMPAIGN TACTICS

We began by asking the "boss" of the Crowe-Eller-Thompson combine a lot of burning questions. In the course of the campaign we must have asked forty or fifty questions, each based on his record in office, and carrying the challenge to answer and deny statements of fact and inference which, if true, were tantamount to criminal acts of omission and commission. We insisted that ignoring our questions or failing to answer them constituted a plea of guilty in the eyes of the public, and we made the situation spectacular by calling a mass meeting at the huge Auditorium theatre and by publishing a photostatic copy of a cashier's check for $1,000 made out to the United Charities, which we offered to turn over if the state's attorney of Cook County would appear on the platform and make answer to even one question.

Throughout the ten months of the campaign following the primary we proceeded on the theory—and developed actual figures to show—that the entire number of crooks, criminals of high and low degree, and political gangsters in all of Chicago's underworld total less than 30,000 out of a population considerably more than 3,000,000 in the city alone. We kept this thought uppermost in all minds. It was the *one*-in-a-*hundred* who had made Chicago's name a stench and a scorn. The ninety-and-nine were not impotent, they were merely indifferent to their own interests and more or less convinced that no big American city can be run without boodle. A common and companion conviction, too, was that a certain amount of violent crime is inescapable, and that official corruption is a constant factor characteristic of the "ins" and continually complained about by the "outs"—only so long as they remain the "outs."

During the ruinous reign of "Big Bill" Thompson as mayor and the eight-year rule of rottenness of the last state's attorney another factor operated to discourage decent citizens in any attempt to overthrow the political plunderers. Bipartisanship, that cancerous growth which had eaten into the vitals of both big parties, prevented the decent, independent voters of each party from choosing between candidates at elections.

The back-room "bosses" of the Democratic party chose their candidates for city and county offices in complete harmony with the Thompson-Crowe Republican slatemakers. The two tickets always dovetailed and the precinct captains, poll workers, and crooked election officials joined in one great city-wide conspiracy to "count the slate in" and defeat the public's will.

THE PROSECUTOR'S OFFICE—THE KEY TO THE SITUATION

Just as we wondered how under heaven the name of a modest man, whose preference was to remain an honored judge, could be brought before the Chicago public in a big way as candidate for prosecutor, the Chicago morning papers came out with great headlines that traveled all over America. They told the story of the bombing of our candidate's home in the dead of night—not one minute after the automobile in which he was returning from a round of campaign meetings rolled up the driveway. Half an hour later the residence of the only United States senator from Illinois at that time was also bombed.

The Deneen bomb may have been only a black powder "dud." But the bomb thrown at the Swanson home, no one doubted, was an almost successful effort to murder the judge and all his family. The planter of that particular "pineapple" must have been blood-brother to the machine-gun murderers who shocked Chicago nearly a year later with the massacre of St. Valentine's Day.

Not only was every window pane in the substantial, three-story Swanson home broken, but the window frames were blown out of every window and half way across the rooms. In one room two little grandchildren were saved from almost certain death by inches. A portion of the roof and all the ceilings in a house four hundred feet away, and the windows in every house on both sides of the street for a block in either direction, were blown out.

Swanson—the calm, staid circuit court judge whose own interest in his campaign had been detached up to that time—was shaken in a different way than his would-be assassins could have dreamed. The next day he descended on his noon-day meetings like a lion, to find an aroused public clamoring to see and hear the man who had missed death by several short seconds early that morning. This was the turning point of the April 10 primary campaign.

It is a fair statement that we probably could not have won without that bombing. But it is also a certainty that, without the aggressive organization work that had gone before, and the energy of the non-political campaigners, alert to take advantage of every break in the campaign, the public could never have been held at fever pitch until the remaining days of a desperate campaign featured by a carnival of crime.

Perhaps the biggest single achievement was the precaution taken to prevent victory from being snatched away at the last moment. Organized bands of terrorists, operating under the complete cloak of immunity promised them by the prosecutor, were the danger we dreaded most on primary day. In this we were perhaps only partially successful, for April 10 was a dark and bloody blot on the record of Chicago elections. But in only a few wards were the blackjacks of the "Blackbird's Gang," their sawed-off shotguns, sluggers, ballot-box stuffers, hordes of stingers, repeaters and "short-pencil" workers able to make their desperate deeds count. Crimes ranged from kidnapping on a wholesale scale to the savage slaying of Octavius Granady.

HOW WATCHERS WERE RECRUITED

To thwart the organized criminals commissioned to save Crowe's political life was no child's play. But we did it with the help of the brawn and courage of "kids," hundreds of youngsters from the University of Chicago, accustomed to handling turbulent crowds at football games and the same crew of clear-eyed collegians who acted as ushers at the famous Dempsey-Tunney fight at Soldier Field.

Four days before the April 10 primary I learned from Senator Deneen that at one previous election in which the Crowe-Eller-Thompson gangsters turned out in full force, 1,000 watchers at $10 each had been employed by the Deneen group. Most of them were either bought off or intimidated into quitting early in election day. He added that it was too late, either to get the $10,000 needed now for a similar number of men, or to get and instruct the watchers in the forty-eight hours yet remaining.

Thus far in the Swanson campaign we had collected $21,000 of which $3,000 remained. I went from the Deneen conference thinking—one thousand watchers and $10,000 to pay them. Just $7,000 short.

I called up a close friend, Augustus S. Peabody, president of the Citizens' Association. A veteran in the fight to free our city from organized crooks and official corruptionists, he asked only one question: "How much do you need?" Then I explained our situation and he said: "Go ahead and try to get your men. Count on me for the rest of the money." The next day the necessary money was in my hands and on Monday noon 1,000 watchers were packed in the banquet hall of the Morrison Hotel.

With forty or fifty Crowe-Eller-Thompson scouts sitting in the balcony, County Judge Edmund K. Jarecki, one unterrified public official who had stood for seven years against the Crowe gang and survived, instructed our watchers in their duties.

Before Judge Jarecki began his instructions, I told the assemblage of our emergency. We had $10,000 and were able to pay each watcher next day $10, but I spoke of the crisis confronting us all and the hard task of getting money to fight, or even watch, the merciless political machine. We did not minimize the danger of serving, and wound up with the request that those who were able should serve as poll watchers next day for nothing. When we paid off, only the "kids" from the University of Chicago, whom we really wanted to pay because a college boy is always "broke," took our ten dollars. As a consequence our treasury had a balance of $8,000.

And how those hundreds of volunteer watchers stood up to their jobs and took their beatings, kidnappings and other acts of terrorism for which they were targets, was a revelation to me—a raw recruit in the fight. The psychological effect on the Crowe camp of the knowledge that 1,000 unbought and unterrified watchers were to be on the job on April 10 undoubtedly saved thousands of votes that otherwise would have been stolen. Representing the unorganized resentment and determination of an outraged community, those watchers wore the red badge of courage through a terrible day. The courage of those civic sentries later furnished Frank J. Loesch, that splendid 76-year-young citizen who stepped into service as a special prosecutor, with many valuable witnesses. Later these men and boys told their stories before special grand juries without once yielding to terrorism.

The supreme sacrifice in the battle that ended the day with the overwhelming defeat of State's Attorney Crowe for renomination, was paid by Octavius Granady, a colored lawyer. Shot down in the street a few minutes after the polls had closed, Granady fell with fifty-four slugs in his body fired from one or both of two automobiles loaded with machine-gunners whose car carried the political banners of his opponent for Republican ward committeeman. A Chicago police lieutenant and his zone squad witnessed the murder but did nothing to prevent it or to capture the killers. Granady had been drafted by his own people to run against the Crowe-Thompson ward "boss," who today continues as city collector of Chicago.

BETWEEN PRIMARY AND ELECTION DAYS

To complete the rout begun at the Republican primary on April 10, 1928, it became of first importance that we prevent public sentiment from receding too far from the boiling point. A lapse into lethargy meant the loss of that splendid victory won all along the line when Len Small ceased to be a Republican candidate for reëlection, Crowe was defeated for a third term as prosecutor and Frank L. Smith for renomination as senator.

The primary had come to be regarded as an election rather than a purely partisan primary, although it is true, hundreds of thousands more votes were cast in it than in any election ever held in Chicago. It now became our task to take up the truth-telling campaign on a broader scale than ever. By reason of the rotten bipartisanship which had permitted the Republican state's attorney, Crowe, to select his prospective Democratic opponent months beforehand and to dictate his nomination without serious opposition at the April primary, we faced a new foe. He was a plausible gentleman of the superior court judiciary who was, in fact, just what we called him, "a false face for Crowe."

In the angry outburst of outraged public sentiment which was started by the slaying of Octavius Granady and was intensified by the shocking stories of election crimes in the twentieth and a dozen other wards that primary day, we struck while the iron was hot. The problem of keeping the Chicago public alive to its danger until November 6 was solved by the setting up of an independent special grand jury, uncontrolled by Crowe and with Special Prosecutor Frank J. Loesch acting under authority of the attorney general of Illinois.

We of the John A. Swanson Business Men's Organization turned our attention to rebuilding our little organization on a county-wide scale, sufficiently strong and representative of every walk of life, and well-enough financed to carry our message to every corner of Cook County.

For the first time in any local campaign of the kind in Chicago, we put political activities on a business basis. Bank presidents, railroad presidents and executives, heads of big industrial organizations, leading lawyers, distinguished doctors and merchants composed that executive committee. Men from every conceivable line of commercial endeavor were organized separately by subcommittees who financed themselves.

Through that general executive committee which I had the honor to head as chairman, we carried our campaign directly to more than 200,000 people. We got our general "Follow Through" message across not once but many times to every one of the 1,000,000 registered voters who read any modern language. Specializing still further, we classified in one card-indexed mailing list 100,000 college alumni found on our main mailing list and on the membership rolls of clubs, churches, etc. To these citizens of more than ordinary education and intellectual equipment we sent special appeals.

While Frank J. Loesch continued to "follow through" with his fearless staff of investigators and while five successive special grand juries returned criminal indictments against more than a hundred individuals, we went down into the "deliverable wards" where all previous elections had been occasions of barter and sale. We even brought businesslike politics to the Negro wards where previous elections had been carnivals of vote-buying and ballot-box stuffing. In such places we set up separate ward units headed by an outstanding man, a bank president or head of other important commercial concerns or a leading minister.

Instead of our buying their support, the colored people of these wards gave us their money to aid the campaign of an honest man. There were no promises or favors, except that we agreed to match on a two-for-one basis every dollar contributed by them. The total was budgeted and the money spent for campaign activities in their own wards.

THE ELECTION AND AFTERWARDS

The campaign succeeded 100 per cent.

Nearly a year ago the first phase of the fight to "thwart official crime and corruption in Chicago" ended in victory. Judge John A. Swanson took office with a splendid majority. In his final campaign speech he urged the nonpartisan body of business men who had fought the good fight in his name to carry on throughout his term of office as "civic sentries" pledged to support him in the performance of his pledges.

The second phase of our task we took to be the selection—in coöperation with the Municipal Voters' League—and support of able and independent candidates for seats in the Chicago city council.

Thereafter, for two months of last spring's aldermanic campaign we carried on in support of some twenty-five candidates for city council out of a total of fifty. Some seventeen or eighteen of these were either elected at the February election or qualified for supplementary or "run-off" elections in April—despite the fact that the high-tension sentiment of the state's attorneyship contest had inevitably subsided and the total vote cast at the council election had receded to a point even lower than the average "off year" level.

Nevertheless, great gains were made in returning several outstanding aldermen to the council who had been kicked out by the Crowe-Eller-Thompson combine several years earlier. And the main objective of the Civic Safety Commission (which began as the John A. Swanson Business Men's Organization) was realized—that is, the public was put on guard in advance against just the types of graft and crooked activities that should be expected in future from aldermen owned and controlled by the discredited administration of a disheartened and disabled mayor, whose machine was so decisively defeated last year that it is now dismembered into three or four impotent and disgruntled factions. All of which took only one year.

CHICAGO'S PERSISTENT TRACTION PROBLEM

SOME ISSUES AT STAKE

BY PAUL H. DOUGLAS
Professor of Industrial Relations, the University of Chicago

Laws have been enacted to enable a consolidation of Chicago's transit lines under an indeterminate franchise, but no enabling ordinance has been presented to the voters. Sharp divisions of opinion as to what the franchise should provide have arisen. :: :: :: :: ::

In 1925, Mayor Dever negotiated an agreement with the traction companies for municipal ownership of the surface and elevated lines. They were to be operated by a board of nine members composed of three representatives of the city and three of the companies, with the proviso that if the two groups failed to agree on the remaining three the latter were to be designated by the judges of the first division of the appellate court. The purchase price of the elevated lines, controlled by Samuel Insull, was set at 85 millions while the price of the surface lines was fixed at 162 millions. This ordinance was defeated at the polls for a variety of reasons, and no further steps were taken by Mayor Dever to solve Chicago's transportation problem.

Upon his election as mayor in 1927, William Hale Thompson appointed Samuel Ettelson, one of Mr. Insull's attorneys, as corporation counsel. The twenty-year franchise granted to the surface lines in 1907 was expiring and a consolidation of both the surface and the elevated lines under private ownership was proposed. It was commonly understood that the consolidated properties would be operated by Mr. Insull.

TERMINABLE PERMITS PROPOSED

As is well known, the legislature had in 1903 repealed the notorious Allen Law. Obtained by Charles T. Yerkes in 1897 through bribery, this law permitted municipalities to grant fifty-year franchises. But from 1903 on, the period for which any such franchise might be granted had been limited to twenty years. Dissatisfied with this situation, Mr. Insull's attorneys prepared a bill, which the Thompson administration in turn sponsored, providing that franchises should be granted not for any definite period of years but for an indeterminate period of time. Public protest plus the opposition of Frederick Lundin, who then had a great deal of influence with Governor Small, was sufficient, however, to prevent the passage of this legislation. In the winter of 1928, Mayor Thompson, Governor Small, and Frank L. Smith concluded an agreement whereby Thompson was to support Small for governor, and Smith for senator; while Small would support Thompson's ally, Robert E. Crowe, for reëlection to the state's attorneyship of Cook County. The governor also was to call a special meeting of the legislature to deal with Chicago traction. The Chicago *Tribune* charged at the time that this meant that Small had agreed to put through the Insull traction program, and this was indeed the common belief. The defeat of the Small-Smith-Thompson-Crowe faction in the April primaries, however, prevented definite action from being taken at that time.

The north and west side surface lines are owned by the Chicago Railways Company. At the request of the Westinghouse Company which had a claim of $65,000 against the company, Federal Judge Wilkerson had granted a receivership. In the fall of 1928, he appointed a committee to propose a plan of settlement headed by James Simpson, president of Marshall Field and Company, and Colonel A. A. Sprague, with two local bankers and Professor C. M. Thompson of the University of Illinois as its other members. Although this was labeled the Citizens' Committee, it was pointed out by some that Judge Wilkerson could only act as the representative of the bondholders and that since their interests and those of the city were adverse, the committee could not be said to represent the city.

COMMITTEE DRAFTS LEGISLATION

The committee declared that the first step was to secure legislation from the state and that after this was done, an ordinance could be drafted. It therefore sponsored a series of bills in the state legislature which were approved by the city council and endorsed by Mayor Thompson. These bills did not differ greatly from the Insull bills proposed at previous sessions, and included the following features: (1) Municipalities were authorized to grant franchises for indeterminate periods of time instead of for only twenty years as under the Mueller Law of 1903. This was said to be necessary to permit the flotation of new bonds to finance extensions and improvements and to refund the old securities. Just as the Allen Law had differed from the Humphrey bill in authorizing instead of commanding cities to grant fifty-year franchises, the present bill similarly modified the features of the 1927 indeterminate franchise bill. At the instance of the city council, another bill was introduced making it possible for a franchise to be granted up to forty years. (2) The surface lines were granted permission to consolidate with the elevated lines. (3) The city was given power to construct subways and to levy special assessments to help defray their cost. (4) Provision was made for the creation of a local transportation board to be appointed by the mayor and the city council which would have ultimate jurisdiction over the properties instead of the Illinois Commerce Commission as at present, but which would not control the original capital set-up of the consolidated properties. This board was also given power to regulate the properties which lay outside the corporate limits of the city to a distance of thirty miles.

CRITICISM OF COMMITTEE'S BILLS

In the discussion which the bills aroused, a number of alleged defects in the measures were pointed out to both houses of the legislature and to the governor. The most important criticisms were as follows:

(1) It was charged that the so-called terminable permit bill lacked features which would make it terminable in fact, and in effect authorized perpetual franchises. The franchise supposedly could be terminated in three ways; by purchase, by transfer to another company, and by amortization. The critics pointed out that because of the decision of the Illinois Supreme Court on the Mueller certificates, any bonds issued by the city to purchase such income-producing property would be subject to the constitutional debt limit of 5 per cent of the value of property in the city. While there was at the moment approximately $122,000,000 of unused bonding capacity, this would soon be absorbed in improvements accelerated by the coming World's Fair and consequently would not be available. Nor under the plans of Judge Wilkerson's committee, would the $55,000,000 in the city's traction fund be available. This fund had accumulated under the 1907 ordinance from the city's share of 55 per cent of the net profits of the surface lines, and was to be used to finance subway construction. Nor was the possibility of transferring the consolidated properties, which, it was estimated, would be valued within ten years at a minimum of 500 million dollars, any more substantial.

The Committee, however, assured the public that the properties could be acquired and the franchise eventually terminated through amortization, whereby the city's compensation could be applied annually to reduce the outstanding capital value. It was stated that if the city's rental amounted annually, for example, to 1 per cent of the capital value, the property could be acquired by the city in fifty-four years. But here it should be noted that the bill in question provided that the franchise might contain provisions for "the retirement of investment by amortization or otherwise, *or*[1] for compensation for the use of public property." A strict interpretation of this passage would seem to mean, therefore, that it was not possible to combine amortization with compensation to the city and that if the city took compensation, it could not directly apply these sums for amortization. It is significant moreover that while the term "and/or" was used freely in other parts of the bill, it was not used in this passage.

---

[1] Italics mine.

(2) A second criticism was that the bills did not authorize the city to terminate a franchise for misuse or nonuse.

(3) It was pointed out that the bills expressly denied the city the power to make a binding contract with the companies, since they explicitly stated that nothing should be introduced in the franchises which would be inconsistent "with the lawful exercise of the power of the State to regulate public utilities." These critics pointed out that under the 1907 ordinance the companies had promised not to charge more than 5 cents and had agreed to carry out a yearly program of extensions; but that the fare had been increased by the commerce commission and the courts, and that the companies had not been compelled to carry out their program of extensions. While not arguing for a fixed fare, it was urged that the city should be empowered to negotiate a contract which would bind the companies.

(4) A further criticism was that the bills did not sufficiently protect the city from increase in the valuation of the lines for rate-making purposes by the Illinois Commerce Commission. At the time the bills were being debated, the Chicago Elevated Lines, which had given their nominal consent to sell for 85 millions in 1925, were before the commission in the ten-cent fare case, claiming a valuation of from 143 to 168 millions, and it was feared that the surface lines might act similarly. The bill merely authorized the city to include in the franchise a figure which should serve as the purchase price, but this was not authorized as the valuation for rate-making as well.

(5) The reality of the alleged grant of home rule, which, it was stated, was provided by the creation of a local transportation board, was also questioned on the ground that the state supreme court would undoubtedly declare it to be unconstitutional for a Chicago board to have jurisdiction over transportation agencies in other towns and cities. Walter L. Fisher, who had been retained by the Wilkerson Committee, declared that the constitutionality of this bill was doubtful and Attorney-General Carlstrom later declined to give an opinion on the question.

(6) Finally, it was alleged that the bill did not sufficiently guard against the possibility of the surface and elevated lines consolidating before they received a franchise.

COMMITTEE BILLS BECOME LAW

Amendments were presented which were designed to protect the city against these dangers but were refused by the Wilkerson committee and their attorneys, Messrs. Gorham and Gilbert (who were incidentally being paid by the city at the rate of $30 and $20 an hour respectively). With the support of the dominant machines of both parties, the bills were pushed through both houses without amendment and were signed by Governor Emmerson in June. The large business interests of the city had been almost solidly behind both measures, while the City Club, which had been instrumental in killing the 1927 bills, contented itself with a rather tepid report and took no further active part in the struggle. Until the very last minute, the entire press which had in previous years been on the whole hostile, also supported the measures. The Hearst papers, after a change in the local management, did however come out at the eleventh hour against the bills and since then have vigorously criticized various details of the program.

It had been promised that when

the so-called enabling legislation was passed, the city and the company would soon agree on terms, and it was expected that an ordinance would be submitted to the voters in November. Although three and a half months have since elapsed, little progress has been made in agreeing upon the terms of any such ordinance. Walter L. Fisher has been insisting that the franchise should contain provision for service at cost while the companies have been no less insistent upon their right to a "reasonable return." A possible source for the delay may lie in an inability of the three companies to agree as yet upon the respective equities which each group will possess in the new consolidated company.

POINTS AT ISSUE IN NEW FRANCHISE

In the meantime, a People's Traction League has been formed, under the leadership of Harold L. Ickes, Charles E. Merriam, Ex-Governor E. F. Dunne, Ex-Mayor Carter H. Harrison, and Mrs. B. F. Langworthy, to watch the situation and to protect the people's interests. A few councilmen, notably Alderman Arthur F. Albert, are showing evidence of independence. The critical attitude of the *Herald-Examiner* is still being maintained and the *News* is showing impatience with what it regards as the dilatory action of the companies. Indeed the latter paper has charged the traction interests with delaying a settlement in the hope that by wearing down the resistance of a public anxious for extensions and improvements they may secure better terms than are possible at present.

While it is uncertain when any franchise will actually be presented to the voters for ratification, public discussion will undoubtedly turn around the following issues:—

1. *Valuation.* The transportation committee of the city council and the companies have agreed upon a valuation for purposes of possible city purchase of 165 million dollars for the surface, and 95 millions for the elevated lines. This, as we have seen, will not necessarily be the upper limit for purposes of rate-making. In the discussion, a suppressed report on valuation by Dr. Milo R. Maltbie to the Dever administration in 1925 has been discovered and is being stressed by the People's Traction League and by Alderman Albert. This set the original cost of the present property of the surface lines at 123 instead of the 162 millions recognized in the 1925 ordinance, and fixed the value on the basis of original cost less depreciation at 83 million, and on the basis of reproduction cost less depreciation at 131 millions.

Mr. Maltbie pointed out that the value of 162 millions claimed by the companies under the 1907 ordinance included 48 millions of "water" which was made up as follows: (1) Ten million dollars of "water" in the original value fixed upon the properties in 1907; (2) Twenty-five million dollars of cars and track which were junked between 1907 and 1910 but which were still retained in the capital account; (3) ten per cent allowed upon new investments since 1907 for contractor's profits amounting to 8.8 millions; (4) five per cent brokerage charges for the new capital since 1907 amounting to 4.4 millions. Against this, however, he allowed an offset of 8 millions for additions to capital which had been charged to depreciation, making the total original cost of the properties as of October, 1924, 123 millions.

No such accurate appraisal has been made of the value of the elevated properties but it seems clear that both the original cost and the original cost less depreciation would be very much under the figure of 95 millions. There is certain, therefore, to be strong opposition to recognizing 260 millions as the initial value of the combined properties, particularly in view of the possibility that the commerce commission may set the valuation for rate-making purposes at a still higher figure.

WHAT SHALL THE RETURN BE?

2. *The return to the city on money invested in subways, and the abolition of the elevated loop.* The rather general financial plan submitted by the companies provides that the city shall pay for the cost of constructing subways in the business district, which are estimated to cost 100 millions, and which are then to be leased to the consolidated companies. It does not, however, provide for any payment to the city for the use of the subways, and in support of this position it is urged that to do so would necessitate raising the fare. Against this, it will undoubtedly be urged that the city is as much entitled to receive a return on fresh capital which it contributes to the lines as are the private investors and that if the valuation were kept down to a legitimate figure this could be done without any increase in fare. It will furthermore be argued that if a subway is to be constructed, the elevated loop should be torn down and the elevated trains should be made to run underground through the business districts, thus relieving the loop of the noise and dirt which have sapped the vitality of Chicagoans for so long a time.

3. *Protection of the city against the reception by the common stockholders of abnormally large profits.* The companies want a "reasonable rate of return" upon the entire value of their properties. This, if we can judge from the past decisions of the Illinois Commerce Commission would probably be fixed at around 7½ per cent. On a valuation of 260 millions, this would amount to a net profit of 19.5 millions annually. Now, if 100 millions of the 260 millions were issued in the form of first-mortgage bonds at 5½ per cent, and 100 more millions as debentures, or preferred stock at 6 per cent, the total charges for these issues would amount to 11.5 millions annually, leaving 8 millions for the 60 million dollars of common stock, which would amount to an average rate of return of 13.3 per cent. The common stock under these conditions would become extremely valuable, and if the commerce commission were to grant a still higher valuation to the lines, these surplus gains would almost wholly accrue to the common stockholders. Within the traction companies themselves, there is naturally no unanimity of opinion as to how these valuable claims will be divided. Mr. Insull's elevated properties have of late been earning only 3½ per cent upon their stock and if these were taken over dollar for dollar as common stock in the new properties, they would experience a great accretion in values that in turn would send up the value of the Commonwealth Edison Company which has legal title to them. Walter L. Fisher has declared himself as opposed to this feature, which is still imperfectly understood by the general public and on this point he will probably be joined by the People's Traction League.

4. *Whether the franchise will be in fact terminable.* The amortization features will be thoroughly canvassed to determine whether or not the equities can under the legislation be retired by the city through the application of its compensation for the use of the streets.

5. *The non-binding nature of any franchise.* The express power which is given to the commerce commission and the courts to regulate the franchises and the consequent difficulty and perhaps impossibility of making

any terms in the franchise bind the companies can also hardly fail to be stressed. The companies have promised to build 200 million dollars of extensions. This promise is already marshalling behind their program not only the large groups of people who want better transportation but also those who expect to gain through an increase in land values. Yet similar promises made in 1907 and embodied in the franchise have not been fulfilled and if the promised program were to prove financially onerous, the companies could probably secure exemption from the commission and the court after the franchise had been obtained. In the meantime, however, the promise of extensions would have served its purpose in gaining the votes.

6. *The denial of effective home rule.* The probable unconstitutionality of the act creating the local transportation board is a final issue which will undoubtedly be brought out into the open. Were such a board declared unconstitutional, the powers of regulation would of course revert to the state commerce commission, which is still distrusted by most Chicagoans both because it represents down-state so largely and because of the bad record of most of the appointees of Governor Small.

What the outcome of the struggle will be is of course uncertain, but upon its result hinges the future of transportation in the city, and in the process political fortunes will be both made and broken.

HOW CHICAGO AWOKE TO NEED FOR HONEST ASSESSMENTS

AN EPISODE IN CIVIC EDUCATION

BY GEORGE O. FAIRWEATHER

Chairman, Joint Commission on Real Estate Valuation, Chicago

Mr. Fairweather here reveals the method by which the citizens were aroused to make reassessment, in a campaign successfully waged against great political hostility. :: :: :: :: :: ::

During the past two years I have attended over a hundred meetings of taxpayers. I have learned that government, to the ordinary citizen, means an instrument for supplying certain common services and controls. It is generally accepted that it costs money to make this instrument work. I have discovered that except for the ceremony of voting, Mr. Citizen participates in government largely through his contribution to the common service fund in the form of his tax payment; and that he has generally classified this main relation into two grand divisions: what he pays into the common fund, and what the expenditures of the common fund yield to him and the community. The financial aspects of government, therefore, bulk very large in the citizen consciousness.

The second of these two grand divisions has heretofore been the subject of much attention on the part of citizens. Gross expenditures, unwise budgets, extravagant payrolls are common headlines. Until about two years ago comparatively little, however, had been done with regard to contributions to the tax fund in Cook County.

Various reasons have been ascribed for this lack of interest. Some have said that the taxpayer was making so much money that it paid him to ignore the time necessary to look into the matter and that the payment in any event was not a significant item. Others have said that the taxpayer was likely to look upon a bill from the government as the product of a wise and beneficent Higher Authority, and it was accordingly accepted. I think there is more truth in the explanation that, first, Mr. Taxpayer had a very inadequate guide as to what his tax bill ought to be, and second, if he did have a question about it, he was exceedingly fearful of incurring the ill will of the Higher Authority by talking about it.

GROWING INDIGNATION

At any rate, within the last six to ten years there has been noted a constantly increasing concern on the part of taxpayers in Cook County regarding the relative fairness of their tax payments. In more recent years this concern grew into a broadly accepted belief that the tax-gathering functions, legally controlled by the board of assessors and board of review, were either ignorantly or viciously mishandled and that widespread and general inequalities prevailed.

Rumors became current of alliances between politicians, officials, party managers, real estate "experts," attorneys, property owners and campaign treasurers to the effect that real estate assessments were dispensed on a consideration basis, whether the consideration was patronage, campaign expenses, party alliance, or otherwise. So generally were these rumors current that in a fairly broad contact with taxpayers, large and small, in different parts of the county, I do not recall a single owner of property who did not express indignation over the alleged conduct of the taxation business of the county. I was unable to understand then, although partly able to understand now, why the members of the two taxing boards were able to continue to live and hold up their heads in a community where the product of their work was so generally reviled. I discussed this question some months ago with one of the board members. I think I found a partial explanation in the fact that most taxpayers are craven in the presence of the tax official. I have never witnessed so much palavering and glad-handing in the face of the assessor and the reviewer, and so much "cussing" behind his back.

FEAR GRIPS MANY WHEN TAXATION IS INVOLVED

Of course the fear element, the fear that too loud an objection or criticism would mean disclipine through a raised assessment, operated to keep the vicious bubble from bursting. I had very amusing evidence of the fearfulness of some of our so-called leading citizens when their membership was sought on the joint commission on real estate valuation. This commission was appointed by the board of Cook County commissioners early in 1927. Before its personnel of fifteen citizens was completed, dozens of men of prominence had turned the proposition down as being too "hot." The czaristic power of the board of assessors and the board of review, especially the latter, partly supported by the basic law and partly by the manner in which the administration of that law had grown up; fortified by political and business associations requiring obedience to regulations, or the purchasing of materials from stipulated sources; strengthened by the interrelations of business and politics manifested through coal purchases, insurance premiums, law business, banking business and other forms of commercial "enterprise"—was such that these otherwise estimable gentlemen pleaded to be excused on the ground that while they favored a reëstablishment of common honesty in public finance, they could not afford to say so in public for fear of adverse consequences upon their financial interests.

This fear of czaristic power was matched only by the consciousness of that power in the persons of some of the gentlemen who composed these two taxing bodies. This again was highly amusing. At the first conference which the commission held with the board of assessors a fairly elaborate staging by that board was set up with public stenographers and attachés, obviously on the theory in police court parlance, that "whatever is said may be used against you." The initial contacts with the board of review members was garnished with the oil of annoyed impatience at the interruption. It should be promptly stated, however, in fairness to these gentlemen, that in subsequent months as the work progressed, most of the members of both boards came to a basis of coöperative understanding and helpfulness. While there are some who ascribe this shift in position to an ability to read the handwriting on the wall, I personally am satisfied that some of the officials concerned were perfectly willing to follow the ball of public performance in the public interest when the position of the ball was made plain to them.

PUBLIC MORALE WAS LOW

It is my personal belief that the public morale of the citizenship of Chicago in 1927 was at a very low ebb. This was due to two main causes: A lack of confidence in the then state's attorney, and a lack of confidence in the taxation administration of the county. When great bodies of the people came to believe that public and private malefactors were not being brought to justice, and that the basic support for government through tax payment was being administered on a selective basis, one can readily understand why Mr. Citizen would throw up his hands at trying to do anything and say, "What's the use?"

Another powerful contributing cause to the despair was the fact that the politically controlling element at that time and to some extent now, except in the case of the state's attorney, was made up of a group which directed the taxing offices, the state's attorney, the sanitary district, a goodly portion of the county board of commissioners, with alliances in the state capital and throughout other county offices. In other words, the "cabal" was complete and all-powerful. It is amusing now to note the efforts on the part of some of these gentlemen in the taxing offices and elsewhere to deny or explain or justify their membership in the old imperial régime.

It was amusing also to find the dominant, political group voicing its antagonism to King George on the one hand, while putting the Czar to shame on the other.

With this setting and without further details, it will be easily realized that the joint commission had a problem of official performance and of public responsiveness on its hands. It went through the gestures of politely requesting the "cabal" to restore democratic and constitutional government so far as equitable assessments on real estate were concerned. This was a necessary part of its case, although its fruitlessness was known in advance. Since coöperation by request could not be obtained, coöperation through pressure had to be won.

EXPERIMENT IN PUBLIC OPINION

It was determined to experiment by going to the people directly and through the press in the hope that through a period of time, say five years or more, some modicum of improvement would be realized; but the people and the press had to have some definite concrete evidence in provable form of the maladministration of which we were all aware in a general way. The newspapers were consulted. They were a unit in condemning the existing practices and in offering to give space to a definite exhibit of inequitable and illegal administration, coupled with constructive, straightforward suggestions for improvement.

Dr. Herbert D. Simpson of the Institute for Research Land Economics at Northwestern University undertook to make, and did make, a series of comparative studies between assessments and sales values. These have heretofore been presented in the REVIEW. They formed the keystone of our structure and the arch, although repeatedly assailed and condemned, has never been shaken. Dr. Simpson made a capital demonstration of the importance of intelligent research in securing governmental improvements.

With this material in hand it was comparatively easy to dramatize the crime of political mismanagement at the basis of public fiscal affairs and in the relation of each citizen and property owner to his government as evidenced by the amount of his own tax bill. An organization known as the Chicago Civic Conference was created after a discovery had been made of the thousand or more citizenship organizations such as improvement clubs, neighborhood clubs, taxpayers' associations and the like, scattered throughout Cook County.

This conference undertook as its first project a discussion of real estate assessments. Hundreds of meetings with charts were held in all parts of the county. Free discussion and comments were invited from the floor. Everywhere approval was manifested in the work of the commission and in its effort to restore constitutional equality. At these meetings effort was made to secure the attendance of the local aldermen or legislator or other public official. From time to time the commission published reports analyzing the Simpson studies, analyzing the administration in the board of assessors and the board of review, and recommending changes in legislation and in administration.

The press, not only in Cook County, but elsewhere in the state, and to some extent outside the state, gave extended mention to these reports and further fanned the flame of popular interest and indignation.

About this time a further discovery was made: That the fear element above referred to was transferred from the bosom of the taxpayer to the bosom of the tax official. Throughout all this period the commission was careful to be utterly fair to the public officials. Its reports were first presented to the officials on the two boards and memoranda of speeches to be made throughout the county were repeatedly canvassed with these gentlemen before they were delivered.

When the public interest had been sufficiently aroused, it was possible for the governor of the state and the state legislature in special session to pass enabling legislation strengthening the powers of the state tax commission with respect to ordering reassessments. The state tax commission did order a reassessment and also ordered the publication of assessments. The latter document added official confirmation to the previous studies and analyses of the joint commission.

DELAY COST MONEY

I had thought that the taxing officials by this time had improved their eyesight sufficiently to read the handwriting at a gallop; but this proved to be a mistaken judgment. The board of assessors unconscionably delayed proceeding upon the reassessment; with the result that the collection of taxes under the reassessment has been delayed months beyond its normal time. It is my deliberate judgment that the community may thank this board and the political forces which control it for the investment of a million dollars a month in unnecessary interest on tax anticipation warrants as a result of their stupidity and worse in refusing to carry out their bounden obligations in the public interest, as required by law. I think it only fair to say, however, promptly, that I sincerely believe that some of these gentlemen *now* believe that they made a mistake, but there is no doubt in my mind, at least, that they failed to resolve their *then* doubts in the public interest.

When the reassessment was ordered, it was patent that a mere compiling of figures by the same board, using the same method as in the past would produce about the same result. Accordingly, the state tax commission imposed rules 14 and 15 which required an individual assessment record card with full data as to the appraisal facts, and a complaint blank and a complaint filing system calling for a record of the judgment of the board of assesors and of the board of review in changing the original appraisals together with reasons for such action. At this writing I am surprised to find that the eyesight of the board of review is still somewhat impaired. That board is today struggling to find some means of utilizing its antiquated and outworn complaint blanks which provide no basis for intelligent handling of complaints or for fixing the responsibility for the actions taken.

NEIGHBORHOOD MEETINGS—SCHOOL AUDITORIUMS FILLED

Among the other requirements of the state tax commission's rules was one calling for a presentation at community meetings of the unit land appraisals for the consideration and advice of taxpayers. The resentment of taxpayers was such that only two members of the board of assessors had the hardihood to preside at these neighborhood meetings and they discontinued their services long before the series of meetings was concluded.

An amusing incident happened in this connection. The board of assessors requested me to represent them by presiding at these meetings, after it appeared that none of the assessors were able or willing to be present. I will always regard this request as the most significant compliment which has ever been paid to me and as evidence on the part of the assessors that, whatever they thought of the wisdom of the actions of the joint commission, they did respect its intentions.

I found myself in the unique position of representing a board which I had been called upon as chairman of the joint commission to criticize. Since this representation, however, had to do with the new program of a modern assessment system, under the rules laid down by the state tax commission, I undertook, as best I could, to defend the board on the new plane of service as vigorously as I had tried to condemn it on the old plane of performance.

As an episode in civic education, these meetings were extremely interesting. The largest school auditoriums were filled to capacity. The meetings were opened by a short statement of the reassessment program and of the purport of the tax commission rules. Then a member of the assessors' staff outlined upon a screen or chart the manner in which the land and the building values were determined and copies of the land value maps were distributed throughout the audience.

Then the meeting was thrown open for discussion and criticism of the figures on the maps which indicated the unit foot prices for the land valuations. On the whole, the meetings showed a temper of serious, sober interest on the part of the property owners. There was reflected time and time again a feeling of hopefulness that a new day had come in public administration when the citizen was being given a chance to participate in the very foundation work of government—the determination of the spread of its cost upon the community. Much comment of value to the assessing staff was secured and every effort was made with real devotion to the job on the part of that staff to provide an understanding of what the work involved and to secure competent judgment as to the values to be inserted on the final maps. To be sure, the maps were not entirely complete nor were they entirely correct, but such as they were, with all their imperfections, natural enough in the first attempt at a wholesale appraisal of over a million pieces of property and a wholesale discussion thereof, the records were infinitely better than any that had come out of assessors' office for years before.

It was interesting to note the eagerness with which citizens undertook to discuss according to their lights the problems of government and public finance, as well as the specific issues before the meeting. Issues would be joined upon the floor, as a rule, with good humor and with fair play. On the other hand, there was evidence of a disruptive program at some of the meetings and, I fear, of deliberate plans from obvious sources to prejudice the meetings. A little precaution with the aid of the superintendent of police promptly stabilized the meetings and allowed the great majority of those who attended to carry out their purposes in coming.

An amusing incident occurred at one of the meetings. Five men, obviously of the hoodlum type, slouched down into a row of seats; immediately the adjoining seats were occupied by husky gentlemen in citizen's clothes, with authority to carry concealed weapons; shortly thereafter the quintette of prospective disturbers decided to adjourn to the neighboring pool room.

The net result of the preliminary meetings and of the community hearings on the land value maps gives me great courage in the hope for a developing democracy, provided we work at it even a little, and with a little intelligence.

THE REASSESSMENT OF REAL ESTATE IN COOK COUNTY—A BLOODLESS REVOLUTION

BY JOHN O. REES

Director, Joint Commission on Real Estate Valuation, Chicago

The details of the bitter fight for fair assessment of property. The methods used in Chicago might apply to other cities as well. :: ::

THERE is in process and nearing completion a complete reassessment of all real estate in Cook County, Illinois. The combination of events and circumstances, which have brought about this interesting development, amount in effect to a peaceful revolution. It has been peaceful in the sense that there have been no physical casualties. It is entirely possible that one of the results may be some political casualties.

Comparatively few people living in Cook County are reasonably well informed about the series of circumstances and "breaks" leading up to this present event. This present development has an extremely interesting background. This background constitutes a rather grave reflection upon the theoretical ability of a large mass of people to maintain a government which promotes the greatest welfare of the greatest number.

The basis of taxation in Cook County is the uniform rule. This rule was last placed in the constitution in 1872. The framers of the constitution believed strongly in their absolute wisdom. They imposed very difficult requirements for a change. The uniform rule, as the basis of taxation in a metropolitan community, is antiquated and impossible of administration. It is, nevertheless, present and real.

The statutes of the state of Illinois have long provided for the appraisal of all property, including real estate, at its fair cash value as the basis of assessment. The underassessment of property, including real estate, at something less than the statutory requirements is traditional. The economic and administrative impossibility of assessing intangible personal property uniformly in relation to value has led a number of people to claim that the same rule is not practical when applied to real estate. This has given the administrative politicians a plausible excuse for dispensing real estate assessments on a political basis.

PROPERTY ASSESSMENTS DICTATED BY POLITICS

In 1898 the state legislature established an assessment organization for Cook County along the lines of a circus. The show proceeds in three rings at the same time. No one can watch it all, and the best act is always in another ring. There were established an elective board of assessors, an elective board of review, and a large number of elective township assessors for the townships not lying wholly within the city of Chicago. This organization involved the periodic election of eight political major-domos and approximately thirty minor-domos. Such an organization was established in theory for the purpose of appraising and assessing property according to law. Practically it was established to give proper political consideration to the problem of determining whose property was to be assessed.

This has been the type of administrative organization in effect for approximately thirty years. During this time its style of operations has passed through two stages. Prior to the World War, there was considerable coherence through political control. This was the period of respectable appearance. Assessments were dispensed to the right people with the right attorneys, keeping in mind politics and campaign contributions. Respectable appearances and proper political control of the scale of operations were also kept in mind. During and following the war period, most of the respectables were replaced by realists. They reflected the spirit of the times in an easy money town. The realists were not particularly interested in respectability. They believed in the old principle, "If a little is good, a lot is better." It was early in this period that the privilege of having a limited number of real estate assessments adjusted was extended to precinct captains. This change in policy brought out the practical possibilities of political assessment. Incidentally it put the whole thing on a basis where it was not subject to any definite, coherent, political control. The precinct captain became, in political language, "the poor man's attorney." A few years of this free and easy style of operation got the assessing officials into an unenviable position. No one realized the extent of the assessment-reducing business. No one could safely say "No" to ninety-nine out of every hundred requests for reductions. If the first official approached refused, another could be found to oblige.

THE 60 PER CENT FICTION

With the deflation of farm land prices, following the World War, the state tax commission was beginning to receive protests from the farm organizations regarding the assessment of real property in various counties in the state. This led the master minds in the state tax commission to devise the fiction that the basis of assessment was 60 per cent of the fair cash value of property. Everybody knew it wasn't 100 per cent. Nobody knew what it was. The state tax commission hit upon the happy idea of saying it was 60 per cent. This fiction was a great convenience. It was easy for the tax commission and county boards of review to say to different groups that the basis was 60 per cent, and that they had no grounds for a kick when they were assessed lower than that. The 60 per cent statement became quite useful to the taxing officials in Cook County. They also could tell people that they were being favored when assessed on a basis below 60 per cent of the value of their property. The fiction had great possibilities, both as an opiate and as a whip.

The wholesale practice of assessment-cutting and the 60 per cent fiction combined were very soothing for a time. A condition developed where at least 90 per cent of the people were led to believe that they were evading a fair share of their taxes. Not more than 10 per cent were assessed at or above a 60 per cent base. Assessment bases for the remaining 90 per cent ranged from zero to 60 per cent.

CITIZEN EFFORT BRINGS JOINT COMMISSION

In 1926 the city council and the board of education made some effort to compel the assessing officials to raise the assessments upon several thousand parcels of property. Their interest was primarily due to a desire for a higher total assessment. This would give more public revenue with existing tax rate limitations. The officials of the Chicago Teachers' Federation had long been criticizing the assessment of property. Their contention was that there would be no continual shortage of revenue to operate the school system and to pay adequate salaries to teachers, if property was uniformly assessed upon a sufficiently high basis. In addition to the groups with a revenue increase urge, there were a few misguided individuals in Cook County who for some reason refused to believe in Santa Claus. It didn't seem possible that everybody could be evading a fair share of taxes. They knew there was no uniformity of real estate taxation in relation to value. The subject of real estate assessment was discussed rather extensively during 1926.

Under the quadrennial assessment system, 1927 was the year for a complete new assessment of real estate. In the latter part of 1926 the board of Cook County commissioners was prevailed upon to create a joint commission on real estate valuation. The commission was created for the purpose of developing a plan for the uniform appraisal and assessment of real estate in the 1927 assessment. It was to advise the county board in the matter of necessary appropriations to put such a plan into effect. In theory this joint commission was established to consist of fifteen private citizens and a number of public officials, including the members of the board of assessors and board of review. The public officials on the commission never participated as members. Among the private citizens placed upon the commission were a number with a desire to find out what it was all about, and with the necessary courage to make the attempt.

The joint commission, soon after its creation, made George O. Fairweather, the assistant business manager of the University of Chicago, its chairman. The writer was employed as its director. An immediate effort was made to induce the assessing officials to inaugurate some administrative policies which would improve the assessment administration and results in 1927. At the same time some comprehensive studies were undertaken. These were to form the basis for a real attack upon the problem. The Institute for Research in Land Economics and Public Utilities at Northwestern University was engaged to make an actual study of assessment results in the 1923 quadrennial period and in the 1927 assessment. These were the so-called Simpson studies. They were a comparison of assessments and the sale prices of some 6,500 properties selected at random. They indicated that the average assessment was 36 per cent of full value. These studies have been the subject of a series of articles by Dr. Herbert D. Simpson, previously published in NATIONAL MUNICIPAL REVIEW.

Coincident with the Simpson studies, an analysis was made of the actual administrative methods followed by the board of assessors in the production of the 1927 quadrennial assessment. It included a constructive program of administration for the appraisal and assessment of real property in Cook County. This analysis was the subject of a formal report to the county board and to the public in the summer of 1927. The report was printed by the board of county commissioners and widely circulated by the commission.

FORCE PUBLICATION OF ASSESSMENT LISTS AS LAW REQUIRES

It had become evident to the commission quite early that little could be done to influence the two boards in the direction of improving assessment administration in 1927. The need for a protracted campaign was evident. Upon the completion of the Simpson studies and the report upon administration, the joint commission undertook a campaign of public education to arouse interest in the subject. The one fundamental difference between taxation conditions in Cook County in 1927 and in France under the Louis's prior to the French Revolution was observed. Private citizens could not be guillotined in Cook County in 1927 for talking about the way taxes were collected. Under the Louis's they could be. In the course of a few months talks were made on the subject before scores of groups and organizations scattered throughout the county. Considerable publicity was given to the subject matter by the large newspapers. The local community papers also filled their columns with the subject. Public interest soon developed to rather satisfactory proportions.

There had long existed a statute requiring the publication of assessments. It had been ignored for thirty years. In the latter part of 1927 the joint commission proposed a plan to the county board for the publication of real estate assessments, identifying individual properties by street and house number and by lot dimensions. The plan was referred to the state's attorney and to the attorney general for opinions as to its compliance with the statutory requirements. The then state's attorney considered the matter. He finally decided that it was a subject upon which he preferred not to give an opinion. The attorney general rendered an opinion to the effect that the proposed plan was within the requirements of the law. The whole matter was called to the attention of the state tax commission in a formal presentation. The immediate outcome of the presentation was an order by the state tax commission to the local assessing officials to publish real estate assessments by street and house number and lot dimensions. The attorney general's opinion made it tough to contest openly the validity of the order of the plan. The outcome was the publication of real estate assessments in the summer of 1928 for the first time in thirty years.

REVELATIONS AROUSE PEOPLE

The publication of these assessments automatically became public education with a vengeance. The newspapers played a tune on the subject for weeks with illustrative pictures. The obvious irregularities and inequalities within each block of street frontage became the common subject of discussion at nearly every gathering of people throughout the city. Real estate assessments were compared by the women over the back fences. They were discussed at bridge clubs, forums, poker parties and wakes. It was the gas bomb tossed into the basement. Individual members of the board of assessors were hounded by irate citizens from daylight till midnight, telling them plenty.

In April, 1928, the first tax bills based upon the new 1927 assessments were sent to the people. This was prior to the publication of the assessments. The new assessments were simply a telescoping upward of the old ones. There had been considerable discussion of the inequalities for months. The termination of the tax collection period was a small riot. The owners of forty thousand parcels of real estate filed suits in the courts to enjoin the collection of taxes upon assessments in excess of 36 per cent of the value of property. The subject of assessment administration was hot even before the publication made it hotter.

STATE COMMISSION ORDERS REASSESSMENT

In May of 1928, the state tax commission recognized the injustice in the situation and the wave of resentment among the people. The order for publication was followed by an order for a complete reassessment of all real estate in 1928. This order was issued in May. It preceded the actual mailing out of the assessment lists.

Politically the state tax commission could have sidestepped the entire mess quite plausibly. But for the chairman, it would have done so. The chairman had protested against the statement of the oppressive 60 per cent fiction in 1922. Following the 60 per cent statement, the controlling faction upon the commission had virtually slammed the door in the face of the farm organizations. Their complaints against assessment conditions throughout the state received little consideration. A reorganization of the commission took place a couple of years later. The present chairman came into a position of leadership and the door was opened to complaining groups, particularly the agriculturalists. When the facts relating to Cook County were presented to the commission, along with thousands of informal complaints from citizens, the chairman headed into the mess without much consideration of political alignments and consequences.

Before the close of the legislative session in 1927, a bill was passed, providing for a legislative revenue committee. No action was taken upon this bill by the then governor until the smoke in Cook County began to get pretty thick in the early part of 1928. In May the governor appointed a committee, which proceeded at once to hold hearings in the Chicago City Hall. The committee served a useful purpose in dramatizing the situation, and in fanning the flames of public indignation.

Following the issuance of the reassessment order, the lawyer-politicians were of the unanimous opinion that the tax commission had exceeded its authority. There was a difference of opinion among the lawyers. The assessing officials decided to sit tight. The culmination of this deadlock was a special session of the legislature in June, 1928, to clear up the controversial points in the law defining the powers of the state tax commission. This seemed preferable to long, drawn-out litigation. Such legislative action was possible at that time because the governor was willing to call a special session. A special session always puts the boys on the spot. When a member fails to attend, fails to vote, votes for or votes against a particular bill, it is painfully conspicuous. A sufficient number of the members attended and voted for the necessary bills to secure their passage. The state tax commission immediately reissued the reassessment order. It was followed by the issuance of a set of rules, outlining the method of appraisal as the basis for the reassessment. These rules are commonly known as Rule 14.

STRUGGLE TO AVOID REASSESSMENT

The period from May until December of 1928 was one of continuous controversy. The question as to whether a reassessment should or should not be made was regarded as a political rather than a legal problem. A lawsuit was filed, advancing the contention that the state tax commission act was unconstitutional. This was heard in September and dismissed. An appeal was taken to the Supreme Court, which has not yet handed down a decision. There was in effect a battle between two rather powerful forces.

On the one hand, there was a strong wave of public opinion, fortified by the legal necessity for making a reassessment. On the other hand there was all the power of organized machine politics. Its leaders were confident of their ability to change the laws, to change the tax commission, and to make a political deal, which would obviate the legal necessity of a reassessment. The chairman of the tax commission was propositioned and threatened in turn by experts.

The high spot in the political campaign of opposition to the reassessment was a series of full-page ads in the Chicago papers. They were put in by a member of the board of review as part of his campaign for reëlection in November. In these ads a promise was made to classify arbitrarily real estate for assessment, assessing homes at 20 per cent, and certain kinds of business property as high as 40 per cent. The ad contained an attack upon the tax commission, the reassessment order, upon the joint commission, and the motives of its chairman. It contained some gross misstatements of fact. The substance of the ad was both plausible and comical. It was plausible because the principle of legal uniformity was attacked as oppressive to the home owners. It was comical because uniformity would represent a utopian condition for the home owners in comparison to the practice at the end of twelve years' incumbency in office by the candidate. He was reëlected by a small margin. The opponent carried the handicap of being one of the effective attorneys for a well-known Chicago citizen now vacationing in a Pennsylvania hoosegow.

The drawn-out controversy came to a showdown as a result of the final effort to make the political fix necessary to sidestep the reassessment. A member of the board of assessors and a member of the board of review appeared before the Commercial Club. They explained that the reassessment according to Rule 14 was a wonderful thing, but should be done at some later time. It was suggested to the Commercial Club that its members should supply the respectable backing in an effort to convince the governor-elect that the personnel of the state tax commission should be changed and the reassessment order rescinded. Able representatives of this group looked into the situation. They were soon convinced that the reassessment order had established the legal necessity of making a reassessment. It was a legal matter not subject to a political fix. Legal rights had been established. They could not be altered by removing, hanging or frying the chairman of the state tax commission, or by repealing the order.

BANKERS FORCE HAND OF POLITICIANS

It so happens that the local governments in Cook County finance their expenditures each year by borrowing in anticipation of the taxes collected the following year. The banks had advanced loans to operate the government in 1928 in anticipation of the taxes collectible in 1929. Representatives of the banking group saw that their security was seriously imperiled. The peril increased as the assessing officials persisted in their efforts to avoid making a reassessment. The assessing officials and others were informed that the necessary loans to operate the government during the year 1929 would not be forthcoming if they didn't stop stalling. They were advised to get down to business in appraising and reassessing real property and to forget the idea of political magic.

It was not a personally pleasant or agreeable thing for the assessing officials to brook public sentiment in the matter. There were apparently some very compelling reasons for desiring to avoid a reassessment. Public sentiment and the legal necessities of the situation were not sufficient to get the work under way seriously. When the voice of that celebrated citizen, Mr. John Dough, was added in the public interest, the wheels began to turn. Here was the persuasive voice of the single and sacred idol of professional politics. That was the end of the milling around.

APPRAISAL BEGUN

The resident manager of an appraisal company was appointed by the board of assessors to organize a staff and direct the work of appraisal and assessment. This was a few weeks prior to the incidents related above. When the work got under way seriously, it was winter time. This was a real handicap. A force of employees was organized to measure and appraise each building according to a complete set of rules summarized in a manual. The director of the revaluation work was given a free hand in the selection of the actual appraisal staff. The building measurers were recruited through political channels. This compromise with practical politics was reasonably successful. The director was given the power to hire and fire, and he used it sufficiently to make sure that he had it. The appraisal as such was practically completed by August of this year.

When the approximate total appraised value of all real estate in Cook County was added together, it was found that the former total assessment of real estate in the county was approximately 37 per cent of the appraised value. This was very close to the average relation of assessments to value indicated by the Simpson studies. A formidable body of information gathered by various groups, and particularly the agricultural group, indicated that 37 per cent was the average relation of assessments to full value throughout the state outside of Cook County. The board of assessors formally decided that 37 per cent of the appraised value of each property should be the assessed value in the reassessment.

WILL APPRAISAL BE THE BASIS OF ASSESSMENT?

Making a correct appraisal and basing an assessment thereon are two different things. The forces in the county, working for uniform taxation of real property, did not desire an appraisal for the sake of an appraisal. They wanted the reassessment to be based upon it. These circumstances led to the promulgation of what is commonly referred to as Rule 15 of the state tax commission.

It has been the time-honored custom in the county for the individual members of the board of assessors and of the board of review to revise individual assessments at will without the formality of any board action. Needless to say, 99 per cent of such revision was downward. This revising process by the members of the board of assessors was practically all year round and continuous. There was no "closed season." There was an "open season" and a "closed season" so far as the board of review was concerned. The "open season" was during the period each year when the assessment books were turned over by the board of assessors for review, revision, correction, equalization, and so forth.

For a number of years the volume of complaints filed with the board of review have been constantly increasing. In 1927 they approached the hundred thousand mark. This was a logical consequence of the policy of extending to the small fry politicians the privilege of dictating a limited number of assessments. The number was constantly becoming less limited. The life of any successful business is customers. The political machinery was organized to get them. They came in constantly increasing numbers. On account of their numbers, they could not be handled with any civilized, orderly procedure in the limited time available. The board of review has a hearing room with three high desks at one end. It has been the practice to assign the complainants to one of three lines, when they expressed no preference. Each line passed up to one of the three "thrones." Complainants were marched along in a "triple breadline" formation. Assessments were dispensed on the basis of these short, ex parte hearings. "Real folks" with valuable properties and impressive attorneys were often given more formal hearings before the board as a whole.

Rule 15, as prescribed by the state tax commission, requires that all changes in assessments based upon the appraisal as made by the staff shall be authorized by board action. It must be taken in a meeting of which minutes are kept, showing the vote of the members and the reasons, if any, for the revision. This rule applies to both boards. A copy of the minutes of each board and an abstract of the changes must be filed with the tax commission. At the present time the board of assessors is proceeding in an orderly manner, according to the rules, to hear complaints against the appraisal and assessment. The members of the board of review have indicated their intention to do likewise. The appraisal as made gives every promise at the present time of being the basis for the assessment. It is probable that there will be few alterations in individual assessments not recommended by the chief of staff in charge of the work. Rule 15 imposes sensible changes in the method of procedure. Attempts to ignore or evade the rule are certain to result in wholesale litigation.

CHANGES IN ORGANIZATION RECOMMENDED

In a report issued in June, 1928, the joint commission called attention to the impracticability of the existing form of assessment organization. It was pointed out that it was entirely unsatisfactory by reason of its decentralization of responsibility and authority. It was recommended that the organization should be replaced by one providing for a single county assessor who should be a member, secretary, and chief executive officer of a board of review to consist of three members. It was suggested that the other two members should be officials appointed, one by the president of the county board, and one by the county treasurer. The impracticability of the existing organization is becoming very evident in the reassessment. With the functioning of these two boards in an orderly manner according to Rule 15, there is a cumbersomeness, which contributes nothing beneficial.

There is now so much due process of law that it may be practically impossible for the complicated organization annually to go through the orderly procedure necessary. It will be difficult, if not impossible, to prepare assessments upon which taxes can be collected once every twelve months.

EFFECT ON GOVERNMENT FINANCES

One of the important incidental results of the reassessment is its effect upon the finances of the various local governments. The equalization of assessments upon a uniform basis has resulted in a decrease in the assessed value of real estate within the city of

Chicago of approximately $450,000,000 and an increase of a like amount in the county outside the city. With the existing system of tax rate limitations, this has necessarily reduced the revenues of the city government and the park boards. The collection of taxes, ordinarily payable in April, 1929, will be delayed from eight to ten months. By the end of this year, there will be temporary loans outstanding in anticipation of the taxes of two years, the money having been borrowed to finance the local governments during 1928 and 1929. For a period of several years some of the major local governments have been spending money each year in excess of revenues. The pending reassessment was used as the plausible basis for estimating substantial increases in revenue, authorizing appropriations and borrowing money thereon. For the city of Chicago the total assessment has been decreased $450,000-000 instead of increased $250,000,000, as estimated. The reassessment is forcing a showdown in the whole matter of financing by borrowing more than a year in advance of tax collections. This condition was bound to result in serious trouble sooner or later. The reassessment has brought it a year or two sooner than it would have come otherwise.

Some city officials are blaming the reassessment for financial difficulties, which are in part the result of unsound financing for several years. The reassessment is meeting with such wholesale public approval that it is politically dangerous to shout that it is all a mistake. One outcome sooner or later, and probably sooner, is certain to be an abandonment of the exceedingly expensive and uncivilized method of financing local governments each fiscal year by borrowing in anticipation of taxes collectible during the following fiscal year.

The immediate result will be the reestablishment of the constitutional requirement of uniform taxation of real estate for a period of time. The length of time for which it is reëstablished will depend upon the length of time public interest is concentrated upon the subject. The natural inclination of the political elements will be to settle back to the old basis. This cannot be done safely until the tremendous present public interest subsides. In the immediate future, the subject is too hot for the old style of play.

The most valuable results will come in public education along several lines. One of these lines is a practical demonstration to the people that they are not entirely helpless in the hands of machine politics. An attack upon a particular abuse, based upon cold information and headed by intelligent leadership, can make progress.

THE MERIT SYSTEM IN CHICAGO AND COOK COUNTY

BY EDWIN O. GRIFFENHAGEN

President of the Civil Service Association of Chicago and vice president of the Government Planning Commission of Chicago

The merit system is administered with varying degrees of fidelity in the governmental units in and about Chicago. :: :: ::

THE problem of securing good administration in local government usually has at least three aspects involving questions of organization, of personnel, and of procedure. In Chicago at this time all three of these questions are receiving an unusual amount of attention. The need for better administration has been widely advertised to the community as a result of the financial predicament into which a decentralized and incompetent administration of local affairs has fallen. The simplification of the governmental structure is being urged with ever increasing force; the loose and unintelligent way in which public business is transacted, especially in its financial aspects, is being generally discovered.

Even the personnel problem is being taken seriously.

The expression "even the personnel problem" is used advisedly because for many years only a small group of citizens have seen the fundamental and all-controlling importance of this problem. But now it has become known that the partly successful attempt to capture the civil service for patronage purposes has been at the root of all of the city's trouble. It has been responsible for both positive and negative ills. It has held vicious factions in control; and it has lowered greatly the quality of the service of public employees.

EFFECTIVENESS OF GOVERNMENT DETERMINED BY ADMINISTRATIVE STAFF

The existing situation with respect to what is commonly called the "civil service problem" as it exists in Chicago, Cook County, and the metropolitan area, is the subject of these remarks. Few people realize the tremendous importance of the personnel problem. Even those citizens who interest themselves earnestly in proposed legislation and who take part in periodic efforts to elect good men to public office fail, most of them, to recognize the fact that our laws can do little more than indicate the general objectives sought and that elective officials who come and go can influence only temporarily the quality of public administration. There is a striking lack of concern on the part of the general public with regard to the selection, appointment, or tenure of the men who carry on the routine business of government. This indifference exists despite the significant fact that innumerable questions of policy, of method, and of ways and means of interpreting and enforcing laws are left to the administrative departments and bureaus, and that the effectiveness, the quality, and the cost of our government are determined by the employees who make up the civil service.

The people of Chicago entrust their city government to some 36,000 men and women; the people of Cook County pay the salaries of well over 4,000 to handle the county's business; and if we add the employees of the sanitary district, of the park systems, and of the smaller local units, we arrive at a total of over 50,000 employees in the Chicago area and a payroll of well over $100,000,000. And these totals do not include either federal or state employees operating in the Chicago area.

THE CIVIL SERVICE LAWS NOW IN EFFECT

But the people of Chicago have in the past dealt rather successfully with this fundamental problem of good government and are again endeavoring to meet present needs. These past activities and present endeavors should be of interest in this series of comments on the public affairs of the city. In 1895 they secured legislation applying the principle of the merit system in the city of Chicago and in the so-called charitable service of the county of Cook. In 1905 the state civil service act was passed. In 1911 a very progressive act applying most of the approved features of a modern personnel system to the three large park districts in Chicago was adopted and, in the same year, a comprehensive county act covering all of the fee offices in Cook County and replacing the 1895 act was adopted. Also in 1911, the 1905 state act was modernized and extended to cover all departments of the state government. The comprehensive 1911 Cook County act, however, was declared invalid on a technicality several years later.

So today, all the public employees in the Chicago area fall within the purview of four civil service acts now on the statute books of the state of Illinois with the sole exception of the employees of the sanitary district of Chicago (fewer than 1,000 under normal conditions), the employees of the fee offices in the county of Cook (somewhat over 2,000), and the employees of the municipal court.

The civil service law applying the merit system to the city of Chicago proper is, of course, the most important of the laws in effect as it applies to the largest of the local services. It is also typical of civil service legislation in Chicago up to date. It provides for a commission of three, one member to be of the minority party, appointed by the mayor. It contains provisions establishing principles many of which were well in advance of their time when the act was adopted. It provides for the testing of candidates with reference to their ability to perform the duties of the place for which they seek appointment, the selection of the top name on the eligible list, specifies a probation period, applies the merit system to promotions as well as to original entrance, governs removals, deals sternly with improper political activity, and sets up penalties for violation of the provisions of the law. It limits exemptions to a relatively few places definitely specified and gives the commission no authority to extend the exempt list.

As has been said, the city law was far in advance of its time when drafted and even today in its provisions covering the choice of the highest eligible, controlling removals, limiting exemptions, and the like, it is far in advance of federal civil service legislation or the statutes governing such important jurisdictions as New York and Massachusetts.

The weaknesses in the city act, and in the very similar state and county acts, are threefold. The enforcement of the law is left to men appointed by the political head of the government without reference to their qualifications but with distinct reference to their political affiliations. The result of this is that the mayor, if motivated by political ambitions or controlled by party bosses, is strongly tempted to appoint men who will give as much thought, if not more, to ways and means of breaking down the merit system from the inside as to ways and means of carrying out its provisions not only in letter but in spirit. Furthermore, this type of commission is extravagant, providing as it does for three salaried men, never more than one of whom gives an appreciable amount of time and no one of whom is ordinarily equipped technically for the work. The second weakness lies in the indefiniteness of the clause permitting temporary appointments "to prevent the stoppage of public business or to meet extraordinary exigencies," originally intended to answer the objections of those who did not want the law to be too rigid and insisted on flexibility to meet special conditions. This provision has been a loophole through which the enemies of good government have taken advantage of an apathetic public.

The park law adopted in 1911 is somewhat different in form from the city, county, and state acts in that it provides for a civil service commission of three—only one of whom is a paid full-time officer, the so-called superintendent of employment. The other two are chosen from the park commission. The superintendent of employment has certain executive powers in his own right, although the rule-making power rests with the board of three. But here also the choice of the superintendent of employment is left with the park board which may at times be controlled by a politically-minded majority. However, except under these circumstances, it has proved to be a more simple and economical form for administrative purposes than the standard commission of three.

It is noteworthy that there have been practically no amendments to any of the four Illinois civil service acts with the exception of the state act, which was weakened under the Lowden administration by an emasculating change in the provision protecting employees from arbitrary removal. Time has proved that those officers of the Civil Service Association who protested against this backward step were entirely right. In the years that followed, every possible advantage was taken of the opening thus made in the barricade against spoils raids.

THE ADMINISTRATION OF THE LAWS

The Chicago area, with its five local civil service commissions, furnishes varied examples of what the administration of civil service law may be at its best and what it is at its worst.

The Civil Service Association of Chicago aims to keep itself informed as to the quality of the administrative work of each commission. In the course of its inquiries it has again brought out clearly that two requirements must be met if a commission is to administer the law in a way to secure the results intended. The commission must be free to obey the law in its letter and to apply it in its spirit and, more than that, the members of the commission must have not only the conscientiousness, but the technical skill necessary to render a real personnel service under the terms of the law. It has been found, as has been intimated in an earlier statement in this article, that the greatest weakness in the Illinois laws is that they permit the appointment of men who are willing to nullify the intent of the law by a "do nothing" attitude, by refusing to hold examinations, by permitting numerous temporary appointments of indefinite tenure, and by resolving every question of jurisdiction against the public interest and for the spoilsman who seeks to pay the expenses of the party machine through the public payroll.

An encouraging example of good administration is that of the civil service board of the South Park District. When the parks act went into effect in 1911 the writer had an opportunity to draw the rules and establish the organization and has naturally watched the operations of the employment machinery thus established with continuous interest. Colonel H. C. Carbaugh, the superintendent of employment since 1913, has carried out the letter and spirit of the law with honor and success. South Park Commissioner Michael L. Igoe, who also happens to be the minority leader in the Illinois legislature, has said: "We let the superintendent of employment run the office. There are never any difficulties. Our people are happy and they vote for us at election time. If these politicians—referring to certain members of the General Assembly—could realize that, they would vote for civil service."

Examinations are held in time and eligible lists are maintained for every position, including that of common laborer. Temporary appointments are made only in cases of *bona fide* emergency. Each one is subject to the scrutiny of the superintendent of employment as well as to the collective approval of the board. There are three general timekeepers on the office staff whose sole duty it is to make the rounds each day, check the attendance and work of every employee, and approve the payrolls according to their reports.

The following summary as of December 31, 1928, is of interest:

3,427 positions existing by ordinance
1,430 employees working during December
98 eligible lists in force
4,956 candidates took examinations for these lists
1,649 eligibles resulted
1,099 eligibles remained on lists at year end
204 certifications from eligible lists during 1928
28 examinations held during 1928
779 non-laborers taking examinations
247 non-laborers passed
1,150 laborers taking examinations
Temporary appointments for 1928 averaged 10 days each
Only 26 temporary appointees during December working for an average of 12 days each
1.8, percentage of temporaries to total employees

The other two park districts in Chicago are under the control of commissioners appointed by the governor, and the attitude of the governor who preceded Louis L. Emmerson is reflected in the character of the civil service administration to be found in those districts. The law has been naïvely interpreted to exempt positions of department heads at the top of the service and positions of laborers and those akin to laborer in the lower ranks. Few examinations were held, few eligible lists were kept available, temporary authorities were the rule, and at times the work in the superintendent of employment's office has been actually concerned with the problem of dispensing patronage. Lists and records have been kept there for use in distributing opportunities for temporary appointments to wards.

The West Chicago Parks system which at one time constituted a model of effective civil service administration in the United States (when Fred G. Heuchling was superintendent of employment) has fallen to a low level of administrative efficiency. Whereas in 1915 only ¾ of 1 per cent of the total salary expenditures were paid to temporary appointees, in 1928 42½ per cent was paid to such employees.

The administration of the county civil service law is of an indifferent character. It is not by any means what it might be, yet it is of a materially better quality than has prevailed in recent years in the Lincoln Park District and the West Chicago Park District. As has been explained, out of a total of about 4,500 county positions, about 1,900 come under the civil service act of 1895. During 1928 at least 40 per cent of these positions were filled by temporary appointees. The examination work during the year was entirely inadequate and resulted in the posting of only 19 new eligible lists.

There are over thirty thousand employees subject to the jurisdiction of the civil service commission of the city of Chicago. The law in the city has been poorly administered through both Thompson administrations, and in the Dever administration its work was not brought to a very much higher standard.

However, public opinion, aroused by the laxity of law enforcement and by the city's financial crisis, has recently expressed itself as to the debauching of the civil service and has forced a change in attitude. The president of the commission has been dropped in disgrace and the new president seems to be trying to reëstablish some degree of confidence in the commission's intentions and work. Examinations are being called and the work of the civil service office is undoubtedly being speeded up. It is too early to say whether the temporary authority abuse is being voluntarily corrected, or is to get the administration into real trouble.

RECENT LEGISLATIVE EFFORTS

The Civil Service Association of Chicago has had an unbroken record since 1881 of leadership in the efforts of the citizenry of Chicago to substitute the merit system for the spoils system and, in more recent years, to perfect the methods of personnel administration in the local governmental bodies. It has been responsible for such legislation as is now on the Illinois statute books, and for all attempts of recent years to strengthen existing laws by stopping up the loopholes revealed by experience and to extend the merit principle to those few remaining parts of the public service not now under the protection of any statute. Its bills introduced session after session have since 1911 met with consistent defeat. Nevertheless, during the session of 1929 they met with a very different reception from that accorded them in former years, a reception sufficiently encouraging to make it practically certain that at the next session they will be passed unless there is an unexpected dropping off of public concern over the condition of Chicago's local government. Two 1929 bills passed the house almost unanimously but were lost in the eleventh-hour jam in the senate.

Three major bills were drafted and sponsored by the Association. House Bill 155 provided for a modern and comprehensive employment system in the service of the county of Cook covering all departments and all positions except those of elective officers themselves. House Bill 231 was similar in form and was applied to the service of the sanitary district of Chicago. House Bill 284 carried three important amendments intended to strengthen the present state act. The county and sanitary district bills were drafted along lines conforming to the trend of the best modern thought with respect to civil service legislation and public employment practice. They constituted an attempt to incorporate the teachings of over thirty years' continuous experience with civil service legislation in the Chicago community, and to supply the deficiencies in existing statutes revealed by this experience.

Specifically, the bills were drafted to

meet the administrative weakness, already discussed, flowing from the idea that the political head should appoint the commission. They provided for an independent agency in a position to enforce the mandate of the public to the effect that public employees shall be selected on a basis of fitness for the work to be done without regard to political interests. They did this by providing that a special examining board made up of qualified men should advertise to the world that an employment commissioner is to be engaged to administer the civil service law, and should select from those competing for the place the man best qualified by experience and technical ability, through inquiries and tests that would prove beyond doubt that he is best qualified. They provided that the employment commissioner thus chosen should be protected from removal while doing his duty. It need hardly be said that the bills made adequate provision against the temporary-authority evil in the jurisdictions covered. They were also unique in that they took the natural employment processes—classification, tests of fitness, preparation and maintenance of eligible or employment lists both for original appointments and for promotion, regulation of the service through systematic handling of transfers, leaves of absence, suspensions, and removals—all in their logical sequence and established the essentials of an adequate and effective procedure. The Association submitted its drafts to the officials of the jurisdictions involved and after some difficulty secured as much discussion as it could under the circumstances expect from these officials. In the case of the sanitary district, the board of trustees committed themselves to the proposed legislation. In the county service, governed as it is by over a score of independent department heads and commissioners, it was difficult to get unanimity.

There were three hearings on the bills before the civil service committee of the house of representatives. The hearings were well attended and finally the bills were reported out with the unanimous recommendation that they do pass. But then began a long and unexplained delay in spite of every effort to secure a vote at appropriate times. This delay eventually resulted in the death of the bills. It was reported that the county bill was to be killed in the house and the sanitary district bill in the senate. The spoilsmen had to watch two points: first, whether they were going to restrict their future patronage possibilities by letting the bills through at all; and second, if they did pass, how many of their respective followers were already employed so that they would be "blanketed in" without original examination. The net result on the county bill was an amendment that split the house in two, costing most of the support of the minority party. With the normal absentee vote the bill failed to receive a constitutional majority although there were only six negative votes. The sanitary district bill passed the house by a vote of 99 to 3 but had been delayed sufficiently long to make an additional delay in the senate fatal. It died there on second reading on the last day of the session.

The short bill amending the state civil service act in three very desirable particulars shared a like fate. After passing the house by a vote of 82 to 6 it developed that the administration was opposed to it and it was not given a committee hearing.

SIMPLIFICATION OF GOVERNMENT IN METROPOLITAN CHICAGO

BY J. L. JACOBS

Director, J. L. Jacobs & Company, Chicago

What could be accomplished by consolidation of the 415 local governments in the Chicago area. In Cook County alone there are 650 elective offices. :: :: :: :: :: :: :: :: ::

CHICAGO has made wonderful progress in physical development and beautification through planning and execution of civic improvements along the lines laid out in the Burnham Chicago Plan of 1909. The existence and prosecution of the Burnham Plan under the guidance of the Chicago plan commission has directed Chicago's physical development along coherent lines. The hundreds of millions of dollars required for such development have been returned many-fold in Chicago's physical and economic growth and social improvement.

Accepting the doctrine that proper physical development of a metropolitan region is independent of municipal boundaries, the Chicago Regional Planning Association has since 1925 been successfully helping in the coördination of plans of physical development in the various local municipalities. In this manner a plan for harmonious development of the Chicago regional area may be attained.

Equally great opportunities are afforded the taxpayers, civic agencies and public officials in the development and prosecution of well considered plans for coördinated and simplified government and sound revenue and fiscal system within metropolitan Chicago. The development and prosecution of such plans will tend to direct the movements of the numerous separate agencies in accordance with coherent and sound schemes of governmental structure and public administration, with resultant great reduction in the inevitable waste that comes from haphazard overlapping governmental machinery and unsound and pernicious fiscal administration.

The public operating and capital expenditures of the 415 or more local Chicago and Cook County governing bodies now exceed $350,000,000 annually. Recurring financial crises and increases in taxes and floating debts have not brought proportionate increases in public service. Consequently the movement for the complete reconstruction, consolidation and simplification of governmental machinery and for a sound fiscal system has attained considerable momentum recently.

POSSIBLE SAVINGS TOTAL MILLIONS

It is estimated that the average amount of public service rendered for each dollar of public money expended runs as low as 25 per cent in some governmental departments and as high as 80 per cent in the better administered departments.

Using conservative figures of from 10 per cent to 20 per cent decrease in cost of government through unified and balanced public services and businesslike fiscal and operating administration, the taxpayers in Cook County stand to save from $35,000,000 to $70,000,000 annually on the basis of present expenditures by the local governments. The tax burden can be reduced at least to this extent. Or if the taxpayers desire, some of these millions can be made available for necessary public works and improvements, for increased police protection, for more recreational, health and school facilities or for other laudable purposes, without an increase in taxes or the issue of bonds. The amounts which can be saved annually will be more than sufficient to take care of these and still permit large reductions in the present aggregate local tax burden.

Unless definite planning and action are taken, however, government in metropolitan Chicago will drift as in the past and if one measures the future by gauging the past, the taxpayers may look forward to greater maladjustments, recurring financial crises, and higher taxes with each succeeding year.

415 LOCAL GOVERNMENTS

The fundamental causes for ineffectual and expensive administration and recurring financial crises in the local governments in Chicago and in Cook County are the extreme decentralization of administration and the antiquated and unsound fiscal practices.

No community in this country presents a greater complexity and multiplicity of political units. The administration of the local public services in Chicago and Cook County is divided among some 415 independent or semi-independent governments, each having tax-levying and borrowing powers.

Within the city of Chicago there are some 31 distinct and independent local governments embracing the area in whole or in part. In addition there are at least six semi-independent tax-levying agencies, the tax levies of which are spread by some of these local governing bodies. These include the city and county governments, the sanitary district of Chicago, the Chicago board of education, the Chicago library board, the municipal tuberculosis sanitarium, the forest preserve district, twenty independent park districts, two mosquito abatement districts, and two operating and six non-operating townships.

In Cook County outside Chicago there are approximately 380 additional independent and semi-independent governmental agencies, with independent tax-levying and spending powers. These include some nine cities, 76 villages, 30 townships, 192 school districts, over 25 park districts, over 40 road and bridge districts, two sanitary districts, and a number of miscellaneous district agencies.

In the case of most of the larger taxing agencies in Chicago and the cities and townships in the country towns in Cook County each of the tax-spending bodies levies separate taxes for specific purposes in addition to the general or corporate tax levy, thus making even a larger number of tax levies than local taxing bodies. The county clerk in extending taxes for the various taxing bodies has to make computations for over 450 separate tax levies. Few, if any, sections within Cook County are subject to less than seven independent governments and in some instances have more than twice that number of special tax levies for specific activities or semi-independent tax-spending agencies.

On the basis of the experience in other metropolitan communities, the simultaneous operation and spending of public monies by twelve or fourteen independent or semi-independent public agencies in any particular section is an absurdity. Responsibility is divided and diffused because administration of public services of a metropolitan character directed to the same major purpose is scattered over separate and independent governments. Local governmental machinery has just grown and each governmental unit has taken on regular and special activities with little or no reference to existing services. Whenever a new activity has been provided, it has been thrown wherever it happened to be most convenient at the time and without thought of sound and responsible organization.

THE LOGICAL RESULT IS ILLOGICAL GOVERNMENT

The logical results of such haphazard development in governmental organization are (a) confused distribution, duplication and overlapping of governmental mechanisms and services, (b) lack of centralized responsibility and reasonably effective and economical administration of metropolitan public services, (c) unnecessary duplication of overhead, (d) conflicts in authority, (e) extravagance and waste of public monies, and (f) increasing spread between the increased costs of local government and returns.

The existence of metropolitan Chicago raises special metropolitan governmental problems. Unification and consolidation of the multiple local governments and centralized administration of public services of a metropolitan character and the combination within territorial limits of the decentralized administration of purely local matters, together with a rigid and sound fiscal system for all the governments, will not only result in great increases in efficiency and large savings but will further the physical, economic and social development of all sections in the Chicago metropolitan area.

DISTRIBUTION OF LOCAL GOVERNMENTAL FUNCTIONS

The immensity of the local government enterprise may best be visualized when it is known that the 415 local governments are now spending over $350,000,000 annually; that they employ over 60,000 employees and many thousand part-time employees, receiving salaries aggregating over $75,000,000 annually; that these governments in 1927 had funded debts of over $250,000,000 and have floating unfunded debts now probably in excess of $200,000,000; that they own, operate and maintain properties, buildings, equipment and public works running into the hundreds of millions of dollars; and that they are engaged in the planning and execution of extensive public improvements which are vital to proper growth and economic development of the entire Chicago metropolitan area.

Some of the independent and semi-independent tax-spending agencies have more or less definite but varied procedures for the budgeting of revenues and expenditures. There is no central planning, balancing control or check of the fiscal administration and affairs of these agencies.

Each agency has its financial accounting and purchasing organizations and most of them boast separate police, health, engineering, construction, and other public service units. Likewise, millions of dollars of plants, equipment and tools are owned and used independently. There are the independent city, park, county, highway, forest preserve, township and village police forces. Provision for a metropolitan police force would result in more effective policing and protection to life and property. With it there also would come fixed responsibility and increased efficiency in police administration.

The independent park organizations with separate financial, recreational, police, engineering, construction and maintenance forces operate in the different park systems with resultant diffusion and duplication in organization and plant and more or less unbalanced development. Planning, designing, construction, and maintenance of extensive public works and of surface and underground improvements are similarly diffused as they are maintained by the independent agencies.

Examination of purchasing organizations and methods discloses that these are entirely lacking in the primary principles established in business and in many governmental services. In most instances, the practice is for each of the departments to make independent purchases without definite standardized specifications, wide competition or central check as to quality, quantity, or price of goods ordered and delivered. Ineffective organization and scattering of governmental purchasing results in such obvious wastes and losses as to require little discussion.

Experience in industrial and governmental organizations where modern purchasing methods have been established has shown that large savings result through centralized purchasing, standardizing of supplies and materials, buying in larger quantities, and through increased facilities for competitive bidding.

Under the above conditions the operation and maintenance of these separate 415 or more local governments makes for unbalanced tax levies and excessive budgeting of public revenues and expenditures. Increasing taxes, debts and deficits are now causing stagnation of certain public services, postponement of needed public improvements and generally lowered community support of most of the governments in metropolitan Chicago.

CONSTITUTIONAL HOME RULE FOR CITIES

As a result of a series of discussions in 1927 before the Chicago Institute of Local Politics, composed of delegates from a number of local civic organizations, a summary statement of some of the existing conditions, shortcomings and needs of local government, as well as avenues to betterment, was formulated.

In the statement of findings of the Institute, it is emphasized that the securing of all reasonable powers of self-government or home rule is a prerequisite to substantial betterment.

Following is an excerpt from the Institute's findings on this subject:

> The city of Chicago, along with other cities of the state, is powerless to effect any extensive reorganization in its government without the consent of the legislature. It is undemocratic, politically unsound, unjust, and harmful both to the state and to the cities for the legislature to retain as large a control over the government of municipalities as it now has. Constitutional home rule for cities, such as has been granted in various other states, is the avenue which leads to thoroughgoing revision of the structure and operation of the governmental system of Illinois cities and it is an indispensable prerequisite to the full satisfaction of the needs of Chicago enumerated above. . . .

SOME FISCAL PROBLEMS AND PRACTICES

Some of the results of the extremely decentralized and uncoördinated government in Chicago and Cook County are directly reflected in the fiscal administration and the serious financial condition of the various local governments.

It is generally recognized that careful planning, budgeting, and holding expenditures within revenues are essential for proper and efficient administration. Such planning and sound budgeting involve consideration of available revenues and of the needs and services to be performed, and the balancing and control of the expenditure of public monies for current operation and permanent improvements.

Notwithstanding the magnitude and

complexity of the public business which is carried on by the local governments, there is at present no uniform budget law applicable to all local governments requiring the preparation of financial estimates, the balancing of budgets and reporting of revenues and expenditures.

Recurring financial crises of most of the governments in Cook County are the direct result of the antiquated state revenue system and lack of centralized financial administrative control. These lead to accumulations of floating debts through the financing of current operation by temporary loans in anticipation of estimated revenues from taxes.

Consolidation and unification of the local governments and the passage of rigid budgetary legislation for all local governments must be obtained as protection against continued waste and recurring deficits. Proposals for higher tax rates and the extinguishing of the floating debts through special bond issues will hardly be sanctioned by the taxpayers until these improvements and safeguards have been obtained.

Sound fiscal administration is dependent also upon a system of control by one central responsible agency. It is necessary to balance periodically against one another the local public activities and to distribute the available public revenues after full consideration of the needs and requirements. Obviously the existence of the many separate and independent tax levying and spending agencies militates against the development of businesslike planning and systematic budgeting and control.

353 ELECTIVE OFFICIALS IN CHICAGO; 650 IN COUNTY

The large number of governing bodies means a large and increasing number of elective officials and multiplicity of elections. The number of different officials who are chosen by popular vote within the city of Chicago now reaches the enormous total of 353. These include 16 national officers, 91 state officials, 81 county officials, nine sanitary district officials, 86 city officials, 50 park officials in the small park districts and 20 town officials of the townships partly within the city of Chicago.

Within Cook County the number of different elective officials reaches the enormous total of approximately 650. In each of the 30 country towns in the county voters are called upon to elect a supervisor, town clerk, local assessor, local collector, highway commissioner, and varying numbers of school supervisors, justices of the peace, and constables. There is also a police magistrate for each of the nine cities, 76 villages and 30 incorporated towns outside of those within Chicago.

Within Chicago each voter may vote for a total of 157 elective officials. In the country towns within Cook County each voter may vote for public officials varying from 140 to 150 in number.

The prevailing trend throughout the country is decidedly toward the shorter ballot and fewer elections. This trend is based on the knowledge that there is greater public interest with fewer elected officials and fewer elections. Other aids to honest elections and decreased election costs must include changes in existing laws to provide for central count, improved registration system, and increase in the size of election precincts. These measures will reduce the number of precinct committeemen on the public payrolls, and expenditures for judges and clerks of election, polling places, booths, and election supplies.

EMPLOYMENT AND CIVIL SERVICE ADMINISTRATION

Policies with reference to the appointment, compensation, promotion and retirement of over 60,000 public employees, receiving salaries aggregating over $75,000,000 annually, are as varied as the number of local governmental units themselves.

In many of the important local governmental divisions, including the sanitary district of Chicago, the county fee departments, the municipal court clerk and election commissioners' offices, and in practically all of the smaller local municipal corporations, the employees are appointed without application of the merit system.

Absence and maladministration of the merit system of employment in the local governments have not only served as a great handicap in recruiting and retention of competent help but have resulted in great waste in personal service expenditures. They also impair the efficiency and morale of all employees and the effectiveness and economy of public administration.

Extension of the merit system of employment in all the local governments, and an ultimate single personnel agency charged with the recruiting of all employees for carrying on of the public business, are essential if maximum returns in efficient public service and in economical administration are to be obtained.

OBJECTIVES AND NEEDS FOR RESPONSIBLE AND ECONOMICAL LOCAL GOVERNMENT

The precise nature of the plans for governmental consolidation can be determined only after exhaustive study of conditions in the different communities and the distribution, extent, and administration of public activities of a local and metropolitan character. Such plans will include some changes which can be put into effect without legislation where full-hearted coöperation of public officials is assured. Other changes must await statutory enactment or revision and still others, amendment of the state constitution. With plans and procedure developed and with the regular presentation of the facts on administrative conditions and needs, effective support and aid should be forthcoming from the electorate for the necessary changes.

The more important elements of a plan for improvement are outlined in the following:

(1) Consolidation and simplification of local governments within the borders of Chicago and centralized administration of public services of a metropolitan character. These latter would include unified departments of taxation, finance, city and metropolitan planning, transportation, public works and improvements, health, police, fire, water supply, sewage, civil and criminal justice.

(2) Reorganization of the mechanism of metropolitan government along simple lines, with definite separation between legislative and administrative functions and the heading of the latter under a city manager.

(3) Combination and simplification of decentralized administration of purely local public services under territorial districts.

(4) Home-rule powers for cities and for the unified metropolitan government.

(5) Establishment of a board of estimate and apportionment as a common financial agency having the powers and duties of (1) estimating revenues and financial needs of all metropolitan and local public services and activities, (2) balancing governmental activities and services and apportioning of public revenues, (3) passing upon changes in tax rates and miscellaneous revenues, proposed bond issues, and all matters involving municipal indebtedness, (4) preparing long-term financial programs for basic public activities and

public improvements, (5) establishing adequate and uniform governmental accounting and operating and capital improvement procedure, (6) preparing and publishing consolidated reports on the activities, revenues, expenditures, debts, and other fiscal affairs, (7) developing and prosecuting the program for coördination and simplification of governmental organization and fiscal administration, and (8) investigating and reporting on other features of public revenues, expenditures, and debts as may be necessary and appropriate.

(6) Short ballot, fewer elections, and simplification of election procedure.

(7) Extension of civil service and public pension administration in all local governments, with an ultimate single personnel and pension agency for the metropolitan government.

(8) Revision of revenue laws to provide for a central tax assessment administration with equitable and definite system of assessment of real property; a constitutional amendment authorizing classification of property; and an income tax to take the place of the tax on intangibles.

(9) Uniform and rigid budget legislation for all local governments in Cook County as well as in the state.

(10) Uniform and adequate governmental financial accounting, cost and property record, and audit procedures.

(11) Long-term financing programs for public improvements, with gradual change to modified pay-as-you-go system for recurrent capital expenditures, excepting for self-supporting improvements.

(12) Simplification and standardization of administrative and office methods and practices, and utilization of modern labor-saving devices.

(13) Centralized purchasing administration, providing for standardization, wide competition, purchasing, and handling, contracting and delivery of supplies, materials and equipment along effective lines.

(14) Periodic simplified and consolidated reporting and publicity of activities of governments and of public receipts and expenditures.

The Citizens' Advisory Board on Expenditures, which was appointed early in 1928 by the board of Cook County commissioners and which submitted a preliminary report in January, 1929, on some of the local governmental problems, is considering a comprehensive survey into the local governments.

With active citizen interest and support in the development, presentation and prosecution of plans growing out of the survey and with the coöperation of the public officials, significant results should be obtained in the near future.

WINNETKA, THE MODEL VILLAGE

BY MRS. BENJAMIN F. LANGWORTHY

Former President, the Woman's City Club of Chicago

The secret of Winnetka's success is the continuous determination of her citizens to coöperate in making the village a good place in which to live. :: :: :: :: :: :: :: :: :: ::

WINNETKA lies on the shore of Lake Michigan eighteen miles north of Chicago, a part of the old Indian trail to Wisconsin, of which a few of the "guide trees" still remain to delight the hearts of story-loving children.

WINNETKA A REAL COMMUNITY

Its 12,000 inhabitants are mostly commuters and their families, men with business in Chicago who prefer to rear their children in a small town rather than a great city. Many of these men pay taxes both in Chicago and Winnetka. There is great wealth represented in the homes of the village as well as great simplicity, for here the business magnate and the humble clerk live in a community harmony that is rare and extremely wholesome.

Founded on New England traditions more than seventy years ago, Winnetka has retained much of the character of a New England village, with its town meetings and village caucuses where issues are frankly discussed and where candidates for municipal office are nominated without regard to political affiliations. By such means has the character of the community been preserved in spite of its rapid growth in the last decade.

Another important method of sustaining the simple character of the village is the policy of making no territorial annexations which are not definitely a part of the growth of home building, except in a few cases where annexation would be a protection against some undesirable development over which control must be obtained.

VILLAGE ORGANIZATIONS ACTIVE

In addition to the four churches, there are many community organizations contributing to the spiritual and material welfare of the village. The chief of these is, perhaps, Community House. Its building is connected with the community church, which possibly because it embraces twenty-four denominations is called the Congregational Church, but it is not a part of the church for it is supported by popular subscription and governed by a board of trustees from the village at large. In Community House every type of social activity goes forward with an abundance that calls for skillful organization to prevent overcrowding. Gymnasium and Americanization classes, band practice, discussion groups, dances, Camp Fire, Boy Scout, American Legion, and religious education are among the vast number of other activities centering there. These occupy seven days in the week and are conducted by a director and a staff, aided by a large number of volunteer workers.

A Woman's Club with its own building, a Parent-Teacher Association, Rotary Club, Chamber of Commerce, Music Club, League of Women Voters and several improvement associations are all active in community affairs. The last named are of great assistance in forming public opinion in support of proposed municipal plans and improvements, besides promoting their own neighborhood interests.

Winnetka is still governed under one of the few remaining special charters in the state. Granted in 1869, it is retained partly through sentiment and partly because it gives a goodly measure of home rule. It provides for a council composed of a president and six trustees, elected at large, for a term of two years, all serving without pay. Other elective officials are a treasurer, a clerk, a marshal and collector (whose functions, by preëlection agreement, are performed in the village business office), two police magistrates, and a library board of five members. (It is worthy of note that with one exception all governmental boards in the village have at least one woman member.)

MANAGER PLAN FIRMLY ESTABLISHED

Winnetka operates under a modified form of the council-manager plan, for Illinois has not yet passed legislation providing such government for cities over five thousand. In this case the position of manager is established by resolution of the council and the manager is engaged by them as general administrator of the village business. He is by training and education an engineer and has full charge of the municipally owned water and electric light plant as well as other departments of the government, with exception of the police department which the charter places directly under the president of the village.

Fourteen years ago the council-manager plan was an experiment in Winnetka. Now its position is so assured that no one ever questions it, even at election time. The system of delegating all administrative work to one man who devotes all his time and energies to the task has made it possible to secure the highest-grade men in the village for the legislative and policy-deciding work of the council. They act on committees and keep in close touch with the executive work without having to neglect their own business for the actual performance of it. In addition, any housewife in the village will tell you what a comfort it is to be able to complain to some one at the head of affairs who will correct conditions immediately, without having to wait for husbands or village fathers to come home from the city.

MUNICIPAL ACTIVITIES WELL MANAGED

Through the long and careful work of its plan commission, Winnetka has developed and adopted a village plan. It has passed an effective zoning law and established a zoning commission and zoning board of appeals; this has made possible a drastic restriction of apartment houses and kept alive the village ideal of "houses with yards to play in." It has studied the grade separation problem, and after long negotiations with the railroads has made a definite start on the legal work of abolishing the level railroad crossing with its tragic possibilities. It has doubled the size of its utility plant, paying the cost of the enlargement from the plant's own earnings without incurring any bonded indebtedness; and electric rates are at the same level as those of privately owned public utilities of the state. In addition to producing its own electricity the village operates jointly an effective water-filtration plant which, as shown by daily examinations, insures a water supply which is rated as one of the best in the state. It has created a health department with a full-time director who is a public health physician. A "Well-Baby Clinic," in charge of a child specialist, is maintained by this department in addition to the usual projects of such a department.

It has built for its own administrative needs a set of municipal buildings—village hall, fire station and service yard, all at a minimum of expense and a maximum of beauty and convenience. The village hall is the result of an architectural contest in which a group of prominent Chicago architects acted as judges. Chestnut Court, the delightful plaza west of the village hall, is a part of the village plan, the land for which was given by the business men whose property abutted on the hall. The financing of this set of buildings, instead of becoming the usual burden of a bond issue, was done entirely from surplus earnings of the electric department paid as dividends to the corporate fund.

The library, the original building of which was a memorial gift, is governed by an elective board of five members with no separate taxing power, the cost of operation being included in the general tax levy.

MORE THAN ONE HUNDRED ACRES OF PARKS

Winnetka has a park system governed by an elective board of five members serving for five years, with separate taxing power. It maintains over a hundred acres of parks, playfields and beaches. The village manager is the park superintendent. Several small parks have been added to the system by initiation of the local improvement clubs, the members of which have voluntarily assumed special assessments for their acquisition in order to prevent some undesirable business or industrial development.

Similarly, in their capacity for "pulling together," the dwellers in the village a few years ago raised $350,000 among their own number to build a much-needed new school when their legal bonding power was exhausted. Winnetkans are proud of their school system, anyway, and are secretly glad to have a hand in promoting its effectiveness. It is making educational history with its "individual system" and its socialized activities; it now includes a nursery school, fostered by the Woman's Club but a part of the school system. The schools are governed by an elective board composed of a president and six members serving for three years with separate taxing power. Under them are a superintendent and a large staff of teachers, most of whom are college graduates.

The often-quoted qualification for good government—adequate interpretation of public opinion and subsequent administration of the same—applies distinctly to this "model village." From its earliest years it has been a community of high ideals, sympathy, friendliness, and intelligence, and its accomplishments in good government, education, and social unity are the products of these qualities. Neither the council manager plan nor progressive education nor community development projects could ever have been a success without the coöperation of the people and their willing spirit to back them up. This is the quality which attracts new dwellers and compels old ones to stay on for their lifetime.

RECENT BOOKS REVIEWED

CHICAGO—A MORE INTIMATE VIEW OF URBAN POLITICS. By Charles Edward Merriam. New York: Macmillan, 1929. 305 pp.

In this useful and authoritative review of the politics of his own town, the best informed citizen of Chicago considers the state of things there, displays a point of view which is in itself educative, sets forth the various factors in corrected proportion, and chuckles over his unusually cock-eyed section of a cock-eyed world! As an exhibition of the point of view which animates the modern political reformer it should take the curse off a bit and relieve our tribe of the odium of being humorless perfectionists. It has something of that curious spirit which causes audiences to rock with laughter instead of frowning with indignation, when a speaker unveils tale after tale of corruption. By such a spirit, Merriam keeps in happy and ironic vein a story that most writers would have dutifully made horrified, doleful and hopeless—and dismal reading! By his obvious failure to despair, as if he had never thought of such a thing, he shows a high and easy courage that fits in well with his light irony and lack of moralizing. And if his serene readiness to resume the battle tomorrow is characteristic of the rest of Chicago's reformers, we can all happily leave Chicago to work its own way out.

Our first thoughts of Chicago these days involve the antics of Mayor Thompson and the shots of the bootlegging underworld. Merriam tells in swift and graphic passages of these things and sets them in correct dimensions into a mosaic that also includes Chicago's steady undercurrent of wholesome liberalism and its unterrified leadership. As one-time candidate for mayor and as a tireless leader for years in the council, he has acquired a rare knowledge of the innumerable jostling forces of opinion, nationality, race, religion, economic class, tradition, and prejudice that are set into motion by every public event. And these cross currents are so well described that I imagine an Englishman reading these chapters would cease to feel superior about the simple honest politics of his own cities and would wonder how such a turbid whirlpool could ever serve as basis for any orderly government at all. The author essays the difficult task of appraising frankly the civic and political leaders including his living comrades and contemporaries. Such portraits are necessary to the completeness of the picture. I detected no signs that the probability that he would meet these persons and work with them, or against them, tomorrow, had stayed the frankness of characterizations. The informal anecdotal references to the author's own fine part in the twenty years of battle are illuminating and entertaining.

A certain solemn tribe of teachers of political science will think that this book, being vivacious summer reading, cannot be put before students as a textbook, but they will find it the best case-picture that has been drawn in this decade of the efforts of an American cosmopolis to govern itself, drawn by the best-qualified observer that current political science could have assigned to the task.

RICHARD S. CHILDS.

*

CHICAGO: THE HISTORY OF ITS REPUTATION. By Lloyd Lewis and Henry Justin Smith. New York: Harcourt, Brace and Company, 1929. 497 pp.

Here is a glittering, gripping, galloping tale of our Queen of the Lakes. Its authors, a magazine writer and a newspaper editor, have divided their volume into two parts. The first and briefer, by Mr. Lewis, carries the story down to the World's Fair. Mr. Smith brings the city from Carter Harrison to Bill Thompson, from the Pullman strike to the "pineapple" primary. Both authors have a brisk, vivid style. Lewis's descriptions of the big fire will become classic. Smith's efforts appear more strained. Throughout there is rather more emphasis on the picturesque than on the permanent. One can hardly read this lively chronology without being impressed with the fleeting significance of much which as it transpires is genuinely "news." Many of the episodes and persons portrayed here have had no indicated influence on the city's character and career. The authors are impartial to the point of having a good word for everybody, even Altgeld, the anarchists, and Debs. The embers of such conflagrations as the great strikes are quite old and many of their charred ruins have been replaced by more substantial edifices. In describing these and other events the authors are rather pleased to contrast them with present perfection. One excellent passage pictures the formation of the M. V. L. and its ultimate part in the political nativity of Mayor Thompson. The whole narrative becomes progressively more detailed as the present is reached. Though the authors have made some effort to note cultural progress and social patterns along their way and to relate the city's growth to its geography and its industrial progress one could wish for more on these points. It remains a good story.

JOSEPH MCGOLDRICK.

✣

RATTLING THE CUP ON CHICAGO CRIME. By Edward D. Sullivan. New York: Vanguard Press, 1929. 214 pp.

Here's a lively account of our second largest city. "The people of Chicago," says Mr. Sullivan, compounding his metaphors, "have given gangdom enough rope to hang Chicago's head in shame." The author, sports writer, columnist and free-for-all reporter, is old enough to have covered the Becker trials almost twenty years ago. He has seen the tide of gang war rise and rise until it has engulfed this once-proud city. Half of this volume is narrative in snappy journalese. The remainder, apart from two chapters on Mayor Thompson and a lucid explanation of racketeering, is a somewhat bewildered groping for an explanation and an escape. The author has no love for prohibition and he builds a case that the "drys" can't "laugh off," though there are other factors which might be given more attention. The general thesis of the book might be summed up in a gangster's remark: "Cops like dough and law is just tricks." The administration of criminal justice as portrayed here is a sorry mess and the author seems encouraged to find that "eighty per cent of the police are honest." It is a challenging picture, vastly superior to any of the pot-boilers on gangs and crooks that have so far appeared. And its influence is likely to be much greater than soberer volumes on crime and politics and the devious bonds between them.

JOSEPH MCGOLDRICK.

✣

DEMOCRACY. By Edward McChesney Sait. New York: The Century Company, 1929. 108 pp.

There is an old French proverb, which dates back at least to the time of Columbus' discovery of America, to the effect that "too much inquiry is bad." Since it was penned, the human race has done little but attempt to disprove the futility of its sweeping assertion. On the subject of democracy, this book, by the author of "American Parties and Elections," "Government and Politics in France," etc., presents a timely survey of conflicting opinions, and raises significant questions with respect to its future. As in the case of the French proverb, glittering generalities which have been held close to the heart of the American people since the time of Andrew Jackson, are ruthlessly examined and shown up for what they are—"sounding brass and tinkling cymbals."

Dr. Sait's book is not a brief for the critics of democracy, however, but rather a summary of the more recent literature in the field. He discusses the point of view of the fundamentalist, to whom democracy is still a sacred thing, and upon it throws the merciless searchlight of the "higher critics," with whom, however, he is not prepared to agree. The book takes the form of four lectures which Dr. Sait delivered at Scripps College in 1928. In his own words, "the purpose of those lectures was to indicate the existing clash of opinion over the fundamentals of democracy and to fix attention on the more prominent writers and their varying points of view."

Few writers, however, are able completely to divorce themselves from their material. If we can take Dr. Sait's book as something more than merely a survey, getting our hints chiefly from the manner of presentation, we might consider it somewhat as a plea for a rational attitude in this whole matter. With Norman Angell and Faguet, we might accept democracy, "with all its inevitable limitations, as the best hope for the future. Only we must abandon our false conceits and recognize those limitations frankly, adjusting our political mechanism to meet the requirements of the actual situation. We must stop treating the impossible ideals as if they were realities."

There is the middle ground. Democracy should be looked upon in a matter-of-fact way as a form of government that is based on universal suffrage. It should not be held up as a "perfect and complete philosophy of life," nor should it be cast down as an outworn tool. We should be able to take something of the viewpoint of Georges Clemenceau, quoted in the concluding paragraph of the book: "Let no one complain if I do not open to civilized man the perspectives of perfection. There is no more paradise on earth than in the clouds."

In these days of doubt and disillusionment, Dr. Sait's book presents a much-needed cool scrutiny of the clashing viewpoints on democracy. He has packed much meat into a small package.

HOWARD P. JONES.

*

MUNICIPAL REPORTS

HAMILTON, OHIO. *First Annual Report Under the Council-Manager Charter for the Year 1928. By R. P. Price, City Manager.* 99 pp.

The people of Hamilton should feel well pleased over the progress recorded in this annual report. Among the outstanding accomplishments are: complete reorganization of departments, installation of a mechanical bookkeeping system, merging of city and county health work, and the organization of a centralized purchasing department which is effecting savings amounting to $20,000 per year.

The foreword by the city manager is followed by a résumé of "outstanding accomplishments" and "recommendations for 1929." Next in order come the finance department occupying 17 pages; police, 3 pages; fire, 1 page; public works, 20 pages; utilities, 24 pages, civil service, 4 lines; law, 7 lines; public welfare, 7 pages; and, parks and playgrounds, 16 pages. The reason for such wide disparity in the relative space allotted the several activities is not obvious.

Other criticisms of the report are its length, lack of a table of contents, and the scarcity of charts and graphs. If the graphical method had been substituted for the dry and uninteresting tables of figures the report would have been even more attractive than it is, and by eliminating such tables as sizes of the storm sewers laid and hydrants installed, the report could have been shortened materially. The impression must not be gained that this report has no merits. It has attractiveness, excellent physical make-up, and a well selected group of pictures properly placed in relevant text.

LYNCHBURG, VIRGINIA. *Eighth Annual Report under the Council-Manager Government for Year 1928. By R. W. B. Hart, City Manager.* 124 pp.

This is the first annual report of Lynchburg to contain all the activities coming under the jurisdiction of the city council—that of education being added this year. This is a move in the right direction and it is hoped that some day the problem of the taxpayer will be further simplified by having a public report handed to him that will at least summarize the record of all govermental agencies which he is called upon to support. Lynchburg has probably come nearer to absolute standardization in its annual report than any other city. This reviewer believes it has even reached the point of monotonous regularity and therefore would welcome a change of some kind if it be but in the size—it should be noted that Lynchburg prefers the 8½″ x 11″ size to the generally accepted size of 6″ x 9″.

There are, however, many very favorable features which characterize Lynchburg's reports, among which may be noted: illustrative material, table of contents, and organization chart. On the other hand the reports are not published until about six months after the close of the period covered, contain a large amount of unimportant statistical data, and are far too long. If this report were made up in a 6″ x 9″ size it would be about 200 pages in length—by far too much material to expect one to read. It should be said, however, that while Lynchburg's reports may not be top-notchers, they are consistently above the average.

CLARENCE E. RIDLEY.

REPORTS AND PAMPHLETS RECEIVED

EDITED BY WELLES A. GRAY

Assistant Director, Municipal Administration Service

The Coast Guard.—By Darrell Havenor Smith and Fred Wilbur Powell, 1929. 265 pp. (Institute for Government Research, Service Monographs of the United States Government, no. 51.) A study of the history, functions and activities, organization, personnel, equipment, and finances of the Coast Guard. Among the appendices are a compilation of all laws in force which govern the Coast Guard, complete tables showing appropriations and expenditures, a list of official publications, and an extensive bibliography of published materials dealing with this branch of the federal service.

⁂

Housing Problems in America.—Proceedings of the Tenth National Conference on Housing, 1929. 355 pp. A collection of papers and discussions on various aspects and problems of housing, and on the relation of housing to city planning. Among the topics discussed are steel and concrete houses, financial problems, slum clearance and improvement, street planning for the motor age, and general phases of city planning.

⁂

Statistical Report for the State of Indiana for the Year Ending September 30, 1928.—Compiled by the Legislative Bureau of the Indiana Library and Historical Department, 1929. 212 pp. A collection of administrative data on the state government of Indiana. Contains a roster of state and county legislative and administrative officials, court statistics, financial statistics for all taxing units, election returns in detail, and a list and classification of Indiana cities.

⁂

The Determination of Fire Insurance Rates in Minnesota.—By the League of Minnesota Municipalities, publication no. 29. 11 pp. A discussion and presentation of data showing how fire insurance rates are determined in Minnesota. The following insurance bases are discussed: the fire insurance class of the municipality, the class of property to be insured, and the district of the state in which the property is located. Tabular materials show the method of determining base rates, and insurance classes for Minnesota cities and villages.

Park Areas in Cincinnati.—By Howard M. Wilson, 1929. 17 pp. (Mimeographed.) A study of the park system of Cincinnati, made under the auspices of the Cincinnati Chamber of Commerce. Statistical data and significant facts concerning the various parks are included.

⁂

Civil Service Administration in the City of Cleveland.—By Mayo Fesler, September, 1929. 113 pp. (Mimeographed.) A report of an investigation into the administration of the merit system in Cleveland, made for a special committee of the city council, to ascertain reasons for its failure. The report places the blame for this failure upon the civil service commission of Cleveland, and in support of the findings there are presented extensive data as to the administration of the civil service laws and the workings of the commission.

⁂

Municipal Golf Courses in the United States.—By the Public Links Section, United States Golf Association, 1929. 30 pp. A list of municipal golf courses in America. Data given for each course include the length, par, fees charged, clubhouse facilities, cost of operation if the fees are insufficient, and the name of the professional in charge.

⁂

Care of Indigent Families in Quarantine.—By the Des Moines Bureau of Municipal Research, June, 1929, report no. 114. (Typewritten.) A study of the work of the Des Moines Health department in providing fuel and provisions to pauper families in quarantine for contagious diseases. Included are specific recommendations for improving the administration of those services.

⁂

Reports and Communications.—By the Finance Commission of the City of Boston, 1929, vol. xxiv. 159 pp. Contains the annual report of the commission for 1928 and all official communications and reports of investigations made by the commission during that year.

JUDICIAL DECISIONS

EDITED BY C. W. TOOKE

Professor of Law, New York University

Special Assessments—Exemption of Extra-State Municipalities.—The construction of the compact between the states of Missouri and Kansas, made with the consent of Congress, providing for the exemption from taxation of the waterworks property of Kansas City, Missouri, and Kansas City, Kansas, which is situated without the limits of the respective states, was before the Circuit Court of Appeals, Tenth Circuit, in the case of *Kansas City, Mo.* v. *Fairfax Drainage District* (reported *U. S. Daily*, Sept. 16–17, 1929). The agreement between the states provides that neither state "nor any county township or municipality located within said State or any official thereof shall ever assess, levy or collect any taxes, assessments or imposts of any kind or character whatsoever on the portion of the waterworks plant" of the foreign city. The court holds that this comprehensive clause in effect exempts the property of Kansas City, Missouri, from special assessments levied by the defendant, a drainage district of the state of Kansas.

Judge Phillips wrote a strong dissenting opinion in which he maintained that the word municipality should not be construed to include a drainage district, and that the exemption from taxation was not clearly enough expressed to include special assessments. In view, however, of the fact that the construction concerns itself with a treaty and not with an ordinary statute and considering the purpose of the compact, the decision seems correct and is abundantly supported by the reasons set forth in the majority opinion written by Judge Lewis. As similar arrangements may shortly be entered into by other states, this case is important in pointing out the necessity of employing language that will be so precise as to raise no question of its interpretation.

*

Streets and Highways—Abutter's Right to Continuance of Sidewalk.—In *Franklin* v. *City of Atlanta*, 149 S. E. 326, the Court of Appeals of Georgia reversed a judgment of the lower court which sustained a demurrer to a complaint demanding damages for the loss of sidewalk access to the plaintiff's property. The plaintiff alleged that by cutting off the sidewalk in front of her apartment house, access thereto had become dangerous, that she had lost half her tenants and that the value of her property had greatly decreased. The contention of the city was that its duty is only to maintain the street and that it may abolish a sidewalk or make any other changes so long as the street purpose is maintained, without incurring liability to the owner of abutting property.

In holding that the plaintiff's declaration stated a cause of action, the court based its conclusion upon the provision of the state constitution which requires compensation to be given where property is taken or damaged. Under such a provision the abutting owner is generally held entitled to recover for consequential damages due to a change in the grade of a street, contrary to the common law rule. An extension of liability to cover damages from the alteration of the street surface has not been generally sustained. The Supreme Court of Oklahoma, however, in *Tulsa* v. *Hindman*, 261 Pac. 910, decided in 1928, held that the abutting owner's easement in the street included a right to the continuance of a sidewalk in front of his premises. The decision in the instant case was by a divided court and the question involved is so important that it may be carried to the Supreme Court of Georgia for final determination.

*

Powers—Statutory Methods of Contracting Must Be Strictly Followed.—The Supreme Court of Pennsylvania in *Foresman* v. *Gregg Township*, 147 Atl. 64, decided July 1, 1929, was called upon to apply a principle of law which limits the power of a municipal corporation to contract except by strictly following the methods prescribed by the legislature. The statutes of the state provide that "all contracts for the purchase of power-rollers, traction-engines, stone-crushers, concrete-mixers or road machines for grading or scraping shall be made only after consultation . . . with the assistant engineer of township highways of the State Highway Department and no contract shall be valid unless it shall be approved and signed by the township commissioner of the State Highway Department."

The supervisors of the township entered into a written contract with a firm for the purchase of a road tractor for use on the highways and issued a note of the township in payment thereof. Five days thereafter the contract was formally approved by the state highway officials. Later, three new notes were issued in place of the original note, the minutes of the board reciting that they were given according to original contract, and the tractor was delivered.

In a taxpayer's action to restrain the payment of the three notes, the lower court held the contract to be void and enjoined the payment of the notes because of the failure of the supervisors to consult the state officials *before* entering into the contract, as required by the statute. In affirming the judgment the supreme court states that approval after the contract is made is not equivalent to consultation before and approval afterwards. The agreement of the parties to waive the statutory requirement could have no effect as he who deals with the officials of a municipality is bound to take notice of its limited power to contract. Unless the provisions of the statute are followed, no contract can come into existence.

✤

Federal Taxation—Profits from Sale of Municipal Securities.—A novel question with reference to federal taxation upon income was recently presented before the Circuit Court of Appeals of the Eighth Circuit.[1] From the facts of the case it appears that in 1919 and 1920 the plaintiff had purchased for investment certain bonds issued by counties or cities in Minnesota and in 1924 he sold these bonds at a net profit, not including accrued interest. Upon this profit as taxable income the plaintiff was required to pay a tax, which he did under protest, and this action was for a refund thereof on the ground that such income is not subject to federal taxation because derived from municipal securities of a state. The direct question thus presented was whether profits from sales of municipal securities are subject to federal taxation.

As aptly stated by the court:

> It is a necessary condition of our dual form of Government over the same territory that neither the national nor the state governments should interfere with the proper function of the other. Therefore, it has been repeatedly announced that neither the Federal Government nor the State Government can constitutionally enact a law which interferes with the proper exercise of the governmental powers of the other.

After pointing out that this principle has been uniformly applied to taxation by either the state or the federal governments of the securities issued by the other, and that no tax has been sustained where it was levied directly upon such securities or the interest derived therefrom, the court concludes that the tax involved in the case under consideration is a direct tax upon income derived from municipal securities *unless the circumstance that this income came from sale profits instead of interest prevents the application of the rule.*

The court, in holding that profits derived from a sale of municipal securities is not income taxable by the federal government, clearly states the basis for its decision as follows:

> The reason for the rule, as applied to such securities, is that such a direct tax is a "burden on loans" and an "impediment to the power of borrowing" (*Weston* v. *Charleston*, 2 Pet. 449, 468). Anything which would usually influence the public in buying or refraining from buying such securities unquestionably is a burden upon such loans and impediment to such borrowing power.
>
> It is a matter of common knowledge that municipal securities are almost always issued for a long term of years. If the original buyers of such from the municipalities were confined to those who expect to hold such until maturity, comparatively few such securities would issue and upon terms not favorable to the municipalities. It is also common knowledge that the interest rate on such securities is usually lower than upon currently issued private securities.
>
> Two of the main attractions of such securities are that they are tax free and offer a chance for profit in resale. To say that taxation upon such profit would not affect purchases, and, therefore, prices of such securities seems unfounded. It would materially lessen the attractiveness of such securities and thereby affect the borrowing power injuriously.

This case will undoubtedly be carried to the Supreme Court, but it is difficult to see what argument the government can advance to overcome the reasons given for its decision by the Circuit Court of Appeals.

✤

Power of Cities to Administer Charitable Trusts.—It is a principle generally recognized that a municipal corporation can take property in trust only for municipal purposes and not for any object which is foreign to the purposes for which they are created and in which they have no interest. Thus the great weight of authority is that they are incapable of taking and administering trust property for the support of religion, although a respectable minority of the states uphold such trusts if strictly non-sectarian. In *Carroll* v. *City of Beaumont*, 18 S. W. (2d) 813, the Court of Civil Appeals of Texas has recently held that a home-rule city may by charter confer upon itself the power to take and administer property in trust for all charitable purposes. In the instant case, the donor of the trust property designated that the city should set aside "not less than one-tenth of the income from said property to be sacredly handled and disbursed for the purpose of charity," one-tenth for library purposes and one-tenth of said income "for the promotion of the causes of temperance and benevolence." The remainder of the income was to be expended by the city to promote and perpetuate the purposes of the donor, the former Beaumont Temperance Hall Company, as expressed in the charter and by-laws of the company.

---

[1] *Willcuts, Collector of Internal Revenue* v. *Bunn*, decided September 16, 1929. (Not yet reported.)

The action was one in equity brought by taxpayers to set aside a deed of the property conveyed to the city, alleged to be of the value of two hundred thousand dollars, upon the ground, *inter alia*, that the city has no power to take title for the purpose of administering such a trust as was fixed upon the property granted. The court holds that the gift was valid under the broad power of the home-rule charter authorizing the city to take and hold "any character of property, including any charitable or trust fund." The court also raises the point that as the plaintiffs show no peculiar interest in the question at issue but only as representatives of the public, the action should be brought by the attorney-general for or in behalf of the state. The decision seems to be better supported by this latter ground, and to leave open the question whether the charter provision would authorize the city to administer a trust primarily for the advancement of temperance and benevolence.

◆

School Districts—Implied Power to Operate a Cafeteria.—Municipal corporations are the creatures of the state and can possess and exercise only such powers as are granted in express words, or those necessary or fairly implied from, or incident to, the powers expressly conferred, or those essential to the declared objects and purposes of the corporation, not simply convenient, but indispensable. In applying this primary rule, we often meet great difficulty in determining what implied powers are indispensable to the carrying out of the powers expressly delegated to the corporation. This is a question which requires the application of an established principle of law to new and different conditions that are constantly coming within the field of its operation. With the rapidly expanding needs for more extended service or more minute regulations, it becomes plain that the scope of the implied powers must necessarily expand, and that, too, without any real modification of the underlying rules applicable thereto.

It is often said that the rule of strict construction of municipal powers applies with greater force to those subordinate local governmental agencies like school districts, which are usually denominated quasi-municipal corporations. But within the domain of the powers granted to such corporations to carry out the public duties imposed upon them, there would seem to be no basis for the dictum that the general rule should be more strictly applied than in the case of the true municipal corporation. This point is illustrated by the recent decision of the U. S. Circuit Court of Appeals of the Eighth Circuit in *Goodman* v. *School Dictrict No. 1 of Denver*, 32 Fed. (2d) 586.

The plaintiff in this case sued to enjoin the defendant from operating a cafeteria for the accommodation of the pupils in the public schools. No express power to engage in such an activity had been conferred upon the district, but the defendants relied upon section 15 of article 9 of the Colorado Constitution, which provides that directors of boards of education "shall have control of instruction in the public schools of their respective districts." The precise question before the court, therefore, was whether under existing conditions, the operation of a cafeteria was reasonably germane to the efficient conduct of the schools.

The court sustained the district court in dismissing the complaint. In an able opinion by Judge Van Balkenburgh, it points out that great advances have been made in the methods and means of education within recent years. Both public sentiment and public interest now support various measures which a former generation would have thought to be revolutionary. The health of the pupil is now regarded as the foundation of a normal intellectual development. A reading of the constitution, therefore, in the light of modern practice gives the true interpretation of the intent of the language in conferring a discretionary power upon a local governmental agency. In the absence of bad faith, the exercise of an implied power thus supported will be upheld.

⁂

Remedies—Original Federal Jurisdiction in Controversies Involving the Constitutionality of Municipal Action.—As previously noted in this REVIEW[1] the increasing attempts of litigants to invoke the original jurisdiction of the federal courts to test the validity of municipal action by setting up the claim that their rights under the constitution are being invaded, together with the evident readiness with which these courts have taken jurisdiction in certain recent cases of this nature, has manifested a current tendency toward an extension of original federal jurisdiction beyond that which seems to have been conferred by section 24 of the Judicial Code (28 U. S. C. §41). This statute, which is the source of the original jurisdiction of the district courts, authorizes an action in the federal courts, although there is no diversity in citizenship, "where the matter in controversy exceeds, exclusive of interest and costs, the sum or value of three thousand dollars, and arises under the Constitution or laws of the United States."[2]

That the question of jurisdiction must be determined from the plaintiff's statement of his own case is universally conceded, but as to whether or not the particular allegations raise a constitutional question sufficiently to confer jurisdiction has frequently been lost sight of by some of our federal district judges. In marked contrast to the decision previously commented upon[3] is the opinion of the Circuit Court of Appeals of the Fourth Circuit in the recent case of *Carolina, etc., Ry. Co.* v. *Town of Lincolnton* (33 Fed. (2d) 719).

From the facts of this case it appeared that in 1901 the railroad maintained a line through the town of Lincolnton and that an ordinance was passed authorizing it to lower its track so as to pass under certain streets which were crossed, and to bridge the same. The ordinance granting the permission provided that one of the bridges to be built should be a "proper and good wooden bridge," and that the grant to run the line was upon the further consideration that the railroad, so long as it maintained the track, should keep up and in good repair all bridges at its own expense. Following the permission granted in this ordinance, the railroad made the excavations under the streets, and covered them with substantial wooden bridges. Subsequently, in the year 1927, the fire limits of the town were extended so as to include the streets covered by the wooden bridges and in the next year an ordinance was passed declaring one of the bridges to be a nuisance and requiring the railroad to replace it with one made of concrete.

This suit was then instituted in the federal court to enjoin the enforcement of these ordinances on the ground that they impaired the obligations of the contract embodied in the ordinance of 1901, and that they would result in a taking of its property without due process of law.

The Circuit Court of Appeals, in upholding the dismissal of the suit by the district court for lack of jurisdiction, agreed that a bill alleges a case arising under the constitition where it contains averments showing that the enforcement of a municipal ordinance authorized by the laws of the state will impair the obligations of contracts, deprive complainant of property without due process of law, or otherwise contravene constitutional provisions, but stated that:

> It is not sufficient that the bill merely asserts that an ordinance violates constitutional rights; it must set forth facts from which the court can see that such rights are violated. Where the contention that they are violated is seen from the facts alleged to be without substantial merit, the court is without jurisdiction. There must be "a federal question, not in mere form, but in substance, and not in mere assertion, but in essence and effect."

As the inferior federal courts have only such jurisdiction as has been expressly conferred by Congress, any tendency to override the limits of their jurisdiction should not be encouraged. In view of the indications of such a tendency on the part of some of our district judges, the reassertion of the correct principle of the construction of their powers is especially timely.

---

[1] Vol. XVII, No. 11, November, 1928.

[2] This provision first appeared in the Amendment of 1875, there being no similar provision in the original Judiciary Act.

[3] See note (1).

PUBLIC UTILITIES

EDITED BY JOHN BAUER

Director, American Public Utilities Bureau

Cleveland Gas Service Threatened.—Can a gas company, or any utility, discontinue its service in a metropolitan community which for over twenty-five years has granted a monopoly to the particular company, and is absolutely dependent upon the continuance of service? Can it rely upon apparent contractual rights against basic community rights to its services?

In 1902 the city of Cleveland granted a franchise to the East Ohio Gas Company to occupy the streets and highways with mains and other appliances for the purpose of furnishing natural gas. The company has had practically a monopoly of service, and serves a large number of municipalities in the state. The original grant was indefinite as to duration, but contained a provision which fixed the price of gas for a period of ten years. Under the decision of the Ohio Supreme Court in *East Ohio Gas Co.* v. *City of Akron* (81 O. S. 33), this type of franchise was held to be indeterminate, so that the city or the company was free to terminate it at will.

In 1911 a further contract was entered into, which expired in 1921. In the meanwhile, however, in 1919, the legislature passed the so-called Miller Act, which provides that no railroad or public utility furnishing service or facilities within the state of Ohio shall abandon or be required to abandon or withdraw any main track or tracks of a railroad, main pipe line, electric light line, or gas line, without the approval of the public utilities commission.

At the expiration of the contract in 1921, the contention was made that the company could not withdraw its service and facilities, unless authorized to do so by the commission. This view, however, was not sustained. The supreme court of the state held that the Miller Act was necessarily limited by the contract clauses of the state and federal constitutions, and could not affect retroactively the contract of 1911. In 1923 a further contract was entered into, which expired on April 30, 1928. Notwithstanding the terms of the Miller Act, this contract provides (Sec. 11):

> The contract arising from the acceptance of this ordinance by the company shall be deemed to have been entered into upon the express condition that on April 30, 1928, this ordinance, the contract created hereby, together with all the rights of the East Ohio Gas Company, its successors and assigns to occupy the streets, alleys, lanes, public grounds and public places of the said city and all its obligations to supply natural gas therein, shall cease and terminate and the company shall discontinue the supply and distribution of natural gas in said city; . . . provided, however, that if the provisions of this paragraph or any part thereof shall be determined to be invalid by any court of last resort, its invalidity shall not invalidate any other section or sections of this ordinance.

While the contract thus specifically provides for discontinuance of service at termination, the question, nevertheless, has arisen whether the company is not subject to the Miller Act, which became law four years prior to the 1923 contract. Under Section 4, Article 18 of the state constitution, a city is protected against infringement upon its right to contract. At the same time, a corporation, especially a public utility, is subject to control by the state in the public interest. There is thus a constitutional question whether in this instance, the Miller Act is merely a regulation of a utility to prevent interruption of service, or whether it is an unconstitutional limitation upon the contractual right of the city.

Upon the termination of the contract in 1928, the company was not willing to enter into a new contract under terms proposed by the city, especially with respect to rates. It instituted temporary rates, and then proposed to shut off service, unless a satisfactory agreement was reached. The city then moved to the Court of Common Pleas of Cuyahoga County for an injunction prohibiting the company from shutting off service. The city relied especially upon the Miller Act that the approval of the public service commission is necessary for the discontinuance of service. The company contended that this requirement did not apply because of the contract providing for discontinuance. The company thus sought to protect the city's contractual rights, which the city sought to have disregarded.

The Court of Common Pleas held with the company and refused to grant an injunction against discontinuance of service. The matter was appealed, and the Court of Appeals of Cuyahoga County has taken a diametrically different view. In a decision and opinion handed down on June 14, 1929, this court held that the Miller Act was a valid regulatory statute under the constitution of the states. It granted an injunction against discontinuance of service. Steps have been taken by the company for appeal to the Supreme Court of the state.

The opinion was written by Judge Vickery. It shows an excellent grasp of the economic and public questions involved, and plainly represents long contact with public utility questions. It emphasizes the fact that the company is a monopoly, dealing with public necessities, and therefore cannot be left free to bargain with individual customers or cities and states:

> The Miller Act was in keeping with the general trend of the public thought upon this question. If you recognize the monopoly and the crowding out of all competitors, there must be some way in which the public may be protected, otherwise the public will be compelled to yield to an unconscionable contract because of their utter inability to cope with the utility who had the very necessities of life in its control and refused to contract with the public, no matter how urgent the need, unless it could have its own price, and they could make that price so high that it would be inimicable to the interest of the people who were compelled to yield to their exactions.

With respect to the constitutional contention, the court held that the requirement of the Miller Act to procure approval by the commission before service can be shut off, does not interfere with the city's power to contract. No infringement was contemplated or perpetrated. A contract was entered into freely, and it lasted through the entire period of its duration. Upon termination, the city and company could not agree upon rates, and then the company proposed to discontinue service. But this came after the expiration of the contract, and therefore cannot be done, under the Miller Act, without the prior consent of the commission.

The point seems to be that the discontinuance of service, although specifically provided for in the contract, was nevertheless beyond the effective terms because it followed the expiration of the contract. The requirement for the commission's consent for discontinuance did not limit the city in any positive right as to service or rates. It is a protection of the public against arbitrary action after the contract had ceased. It brings the whole matter before the commission to be decided with full regard for public rights, including the fixing of reasonable rates.

Apart from technical reasoning on the constitutional point, the court had in mind the broader purpose of regulation and the actualities of public interest. It inquires whether there can be any hardships or any interference with the right to contract by having the commission provide for orderly discontinuance of service, so as not to endanger the health and property of the people dependent upon the service, and reminds the company

> That the real parties in interest in this law suit are the two hundred thousand users of the gas. The *city* will not be discommoded; nor will the state. It will be the people who pay the gas company, which has piped their homes and furnished the equipment at the expense of millions, that will be damaged by the withdrawal of the service.

There is, of course, a technical legal question, which will be decided by the Ohio Supreme Court. The common sense of the situation is wholly against the company's contention. How can it actually discontinue service and remove its properties, when a city of over a million people is dependent upon its service? The proposal runs completely counter to the conception of a utility and its relation to the public. As a matter of fact, the company has no desire to discontinue service and remove its property. That would mean the scrapping of its investment in mains and other distribution facilities which have no other value except for the furnishing of gas.

The real object is to hold out for a particular schedule of rates. The ultimate question, therefore, is whether a utility today in a metropolitan district can actually carry out such a program of fixing its own rates, or whether it is required to furnish uninterrupted service and accept such rates as are fixed by public authority, with due regard to a fair return on the value of the property.

◆

Wisconsin Power Program Halted.—At the fifty-ninth session of the Wisconsin legislature, there were a number of public utility measures sponsored by the League of Wisconsin Municipalities, and vigorously pushed by League officials and committees. There were four principal power measures framed in accordance with the power program adopted by the League at its thirtieth annual convention. These were:

Bill 593-A, to permit the formation of electric light and power districts,

Bill 596-A, to permit municipal competition with privately owned public utilities,

Joint Resolution 32-A, to amend the state constitution to permit the recapture of water powers and the generation and distribution of electric power by the state.

Joint Resolution 61-A, to amend the state constitution to permit cities and villages to issue bonds secured by public utilities in addition to the five per cent debt limit.

All four of these power measures were passed by the assembly by overwhelming votes, but struck a snag in the senate. Here, only one measure, Joint Resolution 61-A, permitting public utility debts to be contracted outside the present debt limit, was adopted. This joint resolution must be adopted by the 1931 legislature, and it will then be submitted to a referendum vote of the electorate.

The League also supported two measures relating to taxation of public utilities—Bill 175-A, extending the corporation income tax to certain public utilities not now subject to this tax, and Bill 176-A, providing for the taxation at the local general property rate of certain public utilities now taxed at the average state rate. Both bills were adopted by the assembly by overwhelming majorities, but were defeated in the senate as originally drawn. A substitute measure, 430-A, was adopted in the senate, and 175-S was amended by the senate to conform to 430-S, and was subsequently accepted by the assembly as a compromise.

In the course of the hearings before the legislature on the power bills sponsored by the League, and in some of the publicity given to the hearings and the power program, the position of the League has been misinterpreted. The League has not taken any action to induce municipalities to enter the field of municipal ownership of electric utilities. It realized that this is a matter which every municipality must determine after a study of the local situation. The League, however, has taken the position that enabling legislation must be enacted so that municipal ownership is possible for every municipality, and that each municipality has a right to decide this question for itself.

The above account was received from Frederick N. MacMillin, executive secretary of the League of Wisconsin Municipalities. Another important bill was passed and approved by the governor. This bill gives the municipalities broad powers in the making of special assessments for the construction or acquisition of electric utilities. The whole or any part of the cost may be assessed upon the property benefited, and payments may be spread over a period of ten years. This measure marks a distinct step in the municipal program as to electric utilities. While every municipality should have the right to determine for itself whether to establish municipal ownership and operation, and should also have the right to determine upon an assessment policy, this proposal as applied to electric utilities does raise important questions which ordinarily are not incurred in assessing the benefits of other improvements.

There is first the greater administrative difficulty of determining benefits, especially with respect to generating plants. There is also the question of policy, whether the fixed charges should be placed upon the land according to area, notwithstanding the subsequent use to be made of electricity. Would a small user have to pay just as much, on a customer basis, as a large user, provided they have similar locations? Will a large apartment house in the aggregate be burdened no more than a single-family house, if they occupy like areas?

It should be clear that the adoption of the assessment fixes a rate policy with respect to fixed charges, and forecloses the possibility of readjustment as conditions of consumption change. There is serious doubt as to the wisdom of laying down such rigid provisions. Anyone experienced with ratemaking would hardly favor the allocation of fixed charges according to land area. There may be reason for the inclusion of a considerable proportion of fixed charges upon a customer basis; some upon a demand basis; but the greater part should be included, we believe, in the charge for electricity. Assessment would prevent any such allocation according to conditions and quantity of use as between customers. Is such a result desired by the proponents of the measure? Are they perhaps misled by analogy of other municipal improvements, particularly by considerations applicable to fixed charges imposed by expensive transportation systems—subways?

*

Special Massachusetts Commission to Investigate Control of Public Utilities.—In the September number we gave an account of the New York investigation of public utility regulation, provided for by resolution of the legislature in the last session. We referred also to the probability of such investigations elsewhere. At the time of writing, we had not been informed of an investigation provided for by Chapter 55, Resolves of 1929, Commonwealth of Massachusetts, approved as of June 7, 1929. The chief provisions are as follows:

> RESOLVE PROVIDING FOR AN INVESTIGATION AND REPORT BY A SPECIAL COMMISSION RELATIVE TO THE CONTROL AND CONDUCT OF PUBLIC UTILITIES IN THIS COMMONWEALTH.
>
> *Resolved,* That an unpaid special commission, consisting of one member of the senate to be designated by the president thereof, three members of the house of representatives to be designated by the speaker thereof, and three persons to be appointed by the governor, shall investigate to what extent, if any, any other corporation or any association, trust, partnership or individual has, directly or indirectly, acquired domination or control of, or a substantial interest in, any domestic corporation engaged in the manufacture or distribution of gas, electricity or power or in the conduct of any other public utility, by stock ownership or otherwise, the amount of such stock ownership, direct or indirect, the consideration paid in acquiring the same, the amount of securities issued against such ownership and the returns from the investment; to what extent, if any, any corporation, association, trust, partnership or individual which has acquired domination, control or a substantial interest as aforesaid, has also acquired any interest in any publishing or other enterprise in this commonwealth, the consideration paid therefor and the returns from the investment; the relations and affiliations of every corporation, association, trust and partnership having contractual relations with any domestic corporation engaged as aforesaid or to which such a domestic corporation may be subsidiary, with any other corporation, association, trust or partnership; and the conduct and practices of any other corporation or any association, trust or partnership in competing or dealing with a domestic corporation engaged as aforesaid.
>
> Said commission may under authority of this resolve investigate the conduct of municipal lighting plants and their relations, contractual or otherwise, with private corporations, or associations, trusts, partnerships or individuals.

The commission has been organized. Senator Frank W. Osborne has been made chairman, and Thomas R. Bateman, member of the lower house, vice-chairman. The two other house members are: Newland H. Holmes of Weymouth and Leo M. Birmingham of Boston. The members appointed by the governor are: Messrs. Lewis Parkhurst of Winchester, Michael J. O'Hara of Worcester, and Arthur M. Huddell of Chelsea. The commission's offices are in Room 222, State House, Boston. It is seeking criticisms and constructive suggestions from all persons who have given competent study to the subject of regulation considered from the standpoint of sound public policy.

*

New York Commission Under Way.—As this is being written, the New York Commission on Revision of the Public Service Commissions Law has gotten under way with its public hearings, starting on October 9, at the rooms of the New York City Bar Association. It had, however, collected a wide range of data during the preceding months on practically all phases of regulation. Numerous informal conferences had been held between members of the commission, counsel, and technical staff.

The public hearings started with William A. Prendergast, chairman of the Public Service Commission, on the stand, to explain the scope of present regulation, the organization and procedure of the commission; and to present his ideas in what respects present conditions are unsatisfactory, and what changes should be made in the law and the commission to make regulation more effective and satisfactory. Other members of the Public Service Commission will appear, to give their ideas. Members of the technical staff will be heard on special accounting and engineering phases of the work.

After the testimony from the Public Service Commission has been completed, representatives of the public will be heard for criticisms and suggestions. Invitations to appear have been issued to municipal officers—especially to corporation counsels; to leaders of civic organizations, particularly to utility consumers' associations. Special efforts have been made to have as witnesses the outstanding students and critics of regulation—all those who have made significant contributions to the discussion of regulation considered from the standpoint of sound public policy.

When the public or critical side has been heard, representatives of power and utility companies will appear, to give their ideas of the situation—whether regulation has been satisfactory to them, whether material changes should be made, particularly what control should be established over holding companies, and what modifications may be made to simplify ratemaking procedure and to avoid constant conflict of interest in proposed rate adjustments.

The Commission expects to make its report to the legislature by January 1, 1930, including a reframed statute incorporating the proposed changes. According to this program, it will have two and one-half months of high pressure efforts, but its promise is to make a real investigation, to give opportunity for every criticism and idea to be fully presented, and to make its report accordingly on the basis of the facts and expert assistance.

STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIRCULATION, ETC.,

Required by the Act of Congress of August 24, 1912,

Of NATIONAL MUNICIPAL REVIEW, published monthly at Concord, New Hampshire, for October 1, 1929.

State of New York, County of New York, SS.

Before me, a notary public, in and for the State and county aforesaid, personally appeared H. W. Dodds, who, having been duly sworn according to law, deposes and says that he is the editor of the National Municipal Review and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, embodied in section 411, Postal Laws and Regulations, printed on the reverse of this form, to wit:

1. That the names and addresses of the publisher, editor, managing editor, and business managers are:

Publisher, National Municipal League, 261 Broadway, New York, N. Y.
Editor, H. W. Dodds, 261 Broadway, New York, N. Y.
Managing Editor, None.
Business Managers, None.

2. That the owner is: The National Municipal Review is published by the National Municipal League, a voluntary association, incorporated in 1923. The officers of the National Municipal League are: Richard S. Childs, President; Carl H. Pforzheimer, Treasurer; Russell Forbes, Secretary.

3. That the known bondholders, mortgagees, and other security holders owning or holding 1 per cent or more of total amount of bonds, mortgages, or other securities are: None.

4. That the two paragraphs next above, giving the names of the owners, stockholders, and security holders, if any, contain not only the list of stockholders and security holders as they appear upon the books of the company but also, in cases where the stockholder or security holder appears upon the books of the company as trustee or in any other fiduciary relation, the name of the person or corporation for whom such trustee is acting, is given; also that the said two paragraphs contain statements embracing affiant's full knowledge and belief as to the circumstances and conditions under which stockholders and security holders who do not appear upon the books of the company as trustees, hold stock and securities in a capacity other than that of a bona fide owner; and this affiant has no reason to believe that any other person, association, or corporation has any interest direct or indirect in the said stock, bonds, or other securities than as so stated by him.

H. W. DODDS,
Editor.

Sworn to and subscribed before me this 30th day of September, 1929.

Mary Donovan,
Notary Public.
[seal] (My commission expires March 30, 1931).

MUNICIPAL ACTIVITIES ABROAD

EDITED BY W. E. MOSHER

Director, School of Citizenship and Public Affairs, Syracuse University

Standard Salary Scales.—In 1920 the National Association of Local Government Officials of England initiated a movement for the standardization of salary schedules for various classes of local government officials wherever they might be employed. One of the fruits of this movement has been the preparation of such a scale for medical officers. This grew out of the conferences held at the ministry of health in which representatives of the British Medical Association on the one side and of local authorities on the other participated. Although the ministry of health was not directly represented it has evidently aided and abetted the movement at various points. The recommendations of course assume that the agreement will ultimately receive the sanction of the ministry of health, as its coöperation is essential to the scheme.

Various classes of medical officers are provided for, including resident physicians, superintendents of institutions, deputies and chiefs of the local departments of health, officers in medical hospitals, and the like.

The details of a schedule for what we would call health commissioners, i.e., the head of a local department of health, are to receive minimum salaries ranging from £800 to £1,800 per year according to the population of the area of the department whether it be in a county borough, a metropolitan borough or urban district. The schedule provides minimum salaries for population groups stepping up from 50,000 to 750,000 and exceeding 750,000. According to the schedule there is to be no discrimination because of sex.

A feature worthy of mention is the appointment of an advisory committee which will serve as a kind of board of appeals in connection with the salary or working conditions of any aggrieved official or local authority. This is a large committee consisting of 17 representatives, the chairman of which is appointed by the ministry of health and the other members selected by various associations of governmental organizations and the British Medical Association.

It is proposed that the agreement go into force on the first of April, 1930, and remain in force for five years, and thereafter from year to year.

Such a standard schedule will of course greatly facilitate the transfer of medical officers from one organization to another.—*Local Government Service*, September, 1929.

◆

Court of Appeals.—As has been reported in these columns, an industrial court was established in England according to the Act of 1919 for the consideration of appeals arising out of agreements between governmental departments and organizations of employees of the British government. Two recent decisions give one an idea of the operations of this appeals body.

In the one case an appeal was carried to the Industrial Court by the Royal Dockyard Association and the Admiralty. The question was as to the proper salary schedules for draftsmen and examiners of work engaged in the engineering department of the admiralty. A decision was handed down embodying a new scale which became immediately operative.

A second decision has to do with allowances for removal expenses arising from the transfer of offices to or from stations abroad. Differences of opinion have arisen as to whether the same schedule of allowances should be granted as in the case of officers transferred from one place to another in England. The parties to the case were the staff side, that is the employees, of the National Whitley Council, and the administrative side of the National Whitley Council. The court held that the same standards of allowance should be maintained for both groups. It is of some interest that the miscellaneous expenses permitted were to cover such items as the expenses for testing drains and the legal expenses involved in the selling or purchasing of a house.

The findings of the industrial court are final. Its organization and administration are based upon the recognition of the rights of organized public employees and the belief that the employers who are parties to an issue are for that reason not properly qualified to sit as the final arbiters in the case of a conflict of opinion.—*The Whitley Bulletin*, August, 1929.

◆

Personnel Administration.—Those interested in the problems that may arise in connection with the progressive policy of personnel administration would do well to consult from time to time the *Whitley Bulletin* which is published by the staff side of the Civil Service National Whitley Council of England. In this monthly bulletin are reported the activities of the staff side and also of the joint committees of the staff and official sides and the decisions of the treasury which, as is well known, is the administrative head of personnel throughout the governmental departments.

The joint general purpose committee, for instance, passed recommendations, according to the report of its meeting held on the 26th of April, with regard to the treatment of civil servants who are suffering from tropical diseases contracted abroad. It also discussed the sick-leave recommendations with reference to full pay during sick leave, promotion, injuries on duty, time off in lieu of over-time payment, shorthand typists' marriage gratuity, and a number of other matters as varied as these in character.

Another joint committee submitted recommendations on subsistence allowances when an officer is away from home on government business for twenty-four hours or more. The allowances provide for a differentiation of rates per night on the basis of the salaries of different classes of officers ranging from those receiving less than $500 a year to those receiving $2,750 and above. The standard rate is set for (a) the first three nights, (b) the next four nights, (c) for the first seven nights, (d) for seven to fourteen nights, (e) for fourteen nights and more where one is stationed in the same place. The report points out further that consideration is being given to the matter of subsistence allowances when absence does not extend over night.

The review of the recommendations made since the council has been in operation would indicate the wide range of problems which should be taken into account in enlightened personnel programs, and also the possibility of developing standard policies that may be uniformly applied and that meet with the approval of all concerned. —*The Whitley Bulletin*, July, 1929.

*

Exchange Officials.—The policy of exchanging university professors, students and secondary school teachers for mutual benefit has been extended to include other public officials. An announcement was recently published by the city secretary of Königsberg in Prussia to the effect that he was seeking an exchange with similar officials in two industrial cities in the Rhine neighborhood for the period of a half year in each city. His preference is for a position in cities which are equipped with institutions dealing with administration.—*Der Städtetag*, July 23, 1929.

*

Coöperative Undertakings.—The local governing authorities of Belgium have made an enviable record with respect to industrial undertakings which have been launched and controlled under a broad coöperative scheme. The first of these was the so-called Belgian Communal Credit Company, which was incorporated in 1860. It is a joint stock company, its shares being held by local governing authorities. Its functions are to provide shareholding authorities with long- and short-term loans by issue of bonds to the public. It is non-profit-making. Loans of ordinary people in thirty-three annuities at 5¾ per cent. Security consists of the payments due from the government to municipalities, in the form of receipts from taxes formerly imposed locally. Each authority which takes up such a loan becomes a shareholder. About 94 per cent of the 2,600 and more Belgian Communes are shareholders and most of the others have received short-term loans.

Loans are directly proportioned to the payment of capital.

A similar company was organized in 1885 for the laying and control of local railroads. This enterprise is backed by the treasury which provides 50 per cent of the capital for building new lines. The same company has been authorized since 1924 to run motor buses.

In 1913 a national company was launched for the distribution of drinking water, whose members are the state, the nine provinces and communes. Where necessary the company serves as technical adviser, engineer, manager, and accountant.

Another public company deals in insurance against fire, lightning, and explosions. This type of insurance has won the widespread support of local authorities. It also operates public insurance funds for workmen's compensation, liability and a public pensions fund to enable enterprises to pension workers. The results in 1927 were valued at 1.6 billion francs.

Taken by and large these coöperative undertakings in which the local authorities participate play a most important part in the economic life of the country.—*The Municipal Journal and Public Works Engineer*, August 23, 1929.

*

The *Zeitschrift für Kommunalwirtschaft* for August 25, 1929 is devoted to an analysis of the governmental, cultural and industrial conditions in the German medium and small-sized cities. A comprehensive statement is included for thirty-nine different cities of these categories. These statements are prepared largely by burgomasters and members of the magistracy.

This issue is comparable to those which had been brought out by this magazine from time to time dealing both with cities and larger governmental units in Germany. It is invaluable for those who wish to understand the inner workings of public and industrial life from the viewpoint of individual localities.

The first part of the publication is devoted to articles of a more general nature, all of which, however, have to do with smaller cities. The following questions, for instance, are discussed: the problem of metropolitan areas, taxation, welfare and charities, cost of police, training of public officers, balancing of the budget, and the like.—*Zeitschrift für Kommunalwirtschaft*, August 25, 1929.

*

Grants by Central Government to Local Authorities.—The statistical bureau of the German Empire has recently published a review of the advances made to local authorities to cover deficits for the years 1927–28. It includes local authorities of 10,000 population and more. The total advances amount to 3.7 billion marks as compared with 3.5 billion in 1926–27. Although this indicates an increase there has been a shift in the items included in this survey. This shift was due to the recovery which Germany had experienced after the crisis of 1925–26. The most satisfactory development has been the decrease in the amount appropriated for unemployment relief. Counterbalancing this are the increases for police and cultural purposes, as well as for housing and street construction.

The largest single item of increase is for the building of streets and roads, which amounts to 121 million marks. A part of this is chargeable to the account of supplying work for the unemployed.

The above figures warrant the assumption that the tide has turned and that the German communes may look forward to more satisfactory financial conditions as time goes on.—*Zeitschrift für Kommunalwirtschaft*, August 10, 1929.

*

Superannuation.—Since the passing of the Local Government Superannuation Act in 1922, the British minister of health has approved the adoption of this scheme in the case of 196 local authorities. These include county councils, metropolitan borough councils, urban district councils and other authorities of this character.

The total number of officers and servants that now come within the act is 110,700, and the estimated cost per annum to the various authorities is approximately six and a half million dollars. It is predicted that within a few years there will be very few authorities that have not adopted this scheme. The benefits derived from it are not alone ethical in character, but by the appointment and promotion of juniors at a lower scale of remuneration it is supposed that monetary savings are realized. A further advantage is that considerable sums are made available for the purpose of capital financing to local authorities.—*The Municipal Journal and Public Works Engineer*, September 20, 1929.

GOVERNMENTAL RESEARCH ASSOCIATION NOTES

EDITED BY RUSSELL FORBES

Secretary

Recent Reports by Research Agencies.—The following reports have been received at the central library of the Association since September 1, 1929:

Finance Commission of the City of Boston:
Reports and Communications, vol. xxiv.
Des Moines Bureau of Municipal Research:
Care of Indigent Families in Quarantine.

*

Eighteenth Annual Meeting.—The eighteenth annual meeting of the Governmental Research Association will be held at the Stevens Hotel, Chicago, November 12, 13, and 14. This year's meeting will be known as the National Conference on Improving Government and, as in several previous years, will be a joint meeting with the National Municipal League and the National Association of Civic Secretaries. Each member of the Association has already received a copy of the advance program.

Arrangements have been made for reduced convention fare provided 150 delegates attend the convention. When buying your ticket, make sure to secure a special certificate which will entitle you to one-half fare on your return trip, if more than 150 are present at the meeting.

*

Citizens' Research Institute of Canada.—The survey of the Hamilton general hospital has been completed and the report thereon has been presented to the mayor of Hamilton. In making this survey, the director was associated with Dr. Haywood of Montreal and Dr. Walsh of Chicago.

The director leaves on October 19 to act as chairman of the commission which has been appointed by the Vancouver, B. C., city council, to report on the classification and standardization of civic positions and rates of pay in that city.

The annual convention of the Canadian Tax Conference was held this year in Montreal on October 17 and 18.

A study has been made of the amount of taxation collected by all governments in Canada—municipal, provincial and federal—during the period 1922–27, and the relation of the yearly net production of the country from all sources thereto. This shows that provincial taxation has increased faster than either federal or municipal; but that, on account of the more rapidly increased rate of net production, the percentage of net production which taxation has consumed in these years gradually decreased from 20 to 17.26 per cent.

*

Cincinnati Bureau of Governmental Research.—In connection with the Cincinnati plan of programming public improvements, which the Bureau helped to initiate several years ago, the annual financial analysis was again prepared by the Bureau. This analysis involves a study of expenditures and revenues for city, county, and school district, and a prediction for the next five years. It is used by the joint improvement committee in determining the amount and financial effect of its improvement program.

Water Department.—A new system of billing for the bureau of collections has been recommended to the city government. This system, which conforms to modern public utility practice and involves the use of modern mechanical equipment, will save the city government many thousands of dollars annually if adopted.

Cost Systems.—At the request of the city government, cost systems are being installed in several of the municipal departments. The system has been completed for the municipal garage, and work is now under way in the departments of sewers and highways.

County Tax Billing.—The Bureau has now under discussion with the county auditor and the county treasurer a modern, mechanical system of billing and collecting taxes, which if adopted should greatly expedite present procedure and save considerable money. Conferences have been held with state officials who are also interested in this matter.

Manual of Legislative Procedure.—Some months ago a proposed legislative procedure for improvements was suggested to council in a Bureau report. Recently the Bureau has coöperated with officials in translating this recommendation into a printed manual, which has been adopted by the city council, and covers the procedure in all matters that come before council.

Misdemeanor Study.—In coöperation with the Cincinnatus Association, a study has been made of eleven thousand misdemeanor cases from the viewpoint of kind of crime, social factors, court disposition, etc. This study has aroused considerable local interest in the whole subject of criminal justice. It was made possible through the new police record system previously installed by the Bureau.

County Sinking Fund.—At the request of the county sinking fund commission, the sinking fund was valued and the procedure examined. This study indicated that because of a surplus no further levies for the sinking fund were required. Recommendations as to new forms and records have also been adopted.

Regional Police Survey.—At the request of Cincinnati and several surrounding municipalities, a regional police survey will soon be initiated. This survey will particularly emphasize the factors of intercommunication, uniformity, and exchange of records.

Public Welfare.—The city and county governments as well as local welfare organizations have requested the Bureau to make a complete survey of welfare, health, hospitals and recreation, in Hamilton County. This study will be particularly concerned with the distribution of functions as between the various governmental units and the private agencies, and will also attempt to formulate future programs for these various activities.

Public School System.—For some months the Bureau has been engaged in a survey of the business administration of the public school system and is about to make recommendations to the board of education. More recently discussions have been held relative to the extension of the survey to include the educational side of the system.

*

New Mexico Taxpayers' Association.—The director of the Association has just completed a check of the budgets for all state institutions and all state departments for the present fiscal year ending June 30, 1930. This work has been done at the request of the governor. The reports rendered to the governor contain complete financial statements of receipts and expenditures for the past fiscal year as well as budget estimates for the current year. From these various statements a compilation is being made by the Taxpayers' Association which will show comprehensively the cost of government for the state and its institutions and departments.

*

The Ohio Institute.—In view of the proposed constitutional amendment on taxation, an analytical and critical study was made of the general property tax, which is the backbone of the existing system in Ohio. The study was intended to serve the following purposes:

> To summarize the existing provisions of law and to comment on the defects of principle reflected therein.
>
> To describe the existing administrative machinery provided by law and to comment on its shortcomings.
>
> To present such data as are available indicating the extent to which the several kinds of property are reached under existing methods; from which may be inferred the degree of effectiveness of present methods and what possibilities may be expected if a change is made.

Whether the amendment is adopted or not, it is believed that such a study will be useful as a guide to next steps. The study will probably be published in a limited edition for distribution among those technically interested.

*

Schenectady Bureau of Municipal Research.—The Bureau has been a very active factor in the preparation of the 1930 city budget. The board of estimate of the city was invited to a meeting with the director and staff of the Bureau and was, at that time, requested to place all present surplus and all anticipated income in the budget. As a result of the stand taken by the Bureau on this highly important feature of budget procedure, the estimate board coöperated in raising the income side of the 1930 budget $478,000 over that of the printed 1929 budget. The result of this action has been to place all surplus in the budget, and the tax rate will be correspondingly reduced. The Bureau suggested that a contingent fund be set up in the budget to care for emergencies, and this suggestion was carried out. It had been the custom in the past to rely heavily upon the surplus fund to care for emergencies, but it was felt that good budgeting demanded the inclusion of all income in the annual estimate. Since there will be no surplus to draw upon next year, it is expected that department heads who have been over-expending consistently will be more careful inasmuch as requests for additional funds will receive wide publicity on the floor of the common council. Local newspaper comment has been highly commendatory of the Bureau for its activity in this matter.

The estimate board made extensive use of the civil service salary study in the preparation of the salary items in the new budget. This Bureau study tabulated the salaries of all city employees, with the percentages of increase, over a ten-year period.

The forecastings of departmental expenditures made in the long-term financial program were also utilized by the estimate board in making up the budget.

The Bureau has prepared a bulletin on the 1930 budget which will be distributed to members and taxpayers prior to the final action of the common council on the estimates submitted to them. This bulletin, which is intended to popularize the budget, will contain a picture of the gross appropriations by functions, a summary of the trends of gross and net budgets for the past five years, a tentative tax-rate statement, and also a detailed analysis of the various departmental expenditures.

Harry H. Freeman, director of the Buffalo Bureau of Municipal Research, has accepted an invitation to make the principal address at the annual fall dinner of the Bureau. At this meeting, the president and the managing director of the Bureau will report on the accomplishments and future plans of the organization. It is expected that this will be a civic event of outstanding importance.

A permanent membership solicitor has just been appointed to the staff of the Bureau, and he will confine his attention to the expansion of our membership. The Bureau now has over 650 members.

✣

Toronto Bureau of Municipal Research.—A study has been conducted of the existing organization of the city government, covering not only the operation of the city departments, but that of the board of education, and other outside boards. A chart of the civic government, based upon the information collected, has been prepared. Another chart is being prepared showing changes which, in the Bureau's opinion, would make for better organization.

A great deal of information has been collected regarding motor accidents and the damage and suffering resultant therefrom. A series of reports is being prepared dealing with the subject and containing suggestions for the improvement of Canadian motor vehicle laws.

The director is engaged in a survey of the hospital for incurables of Toronto.

NOTES AND EVENTS

EDITED BY H. W. DODDS

Detroit's Mayoralty Primary and Defeated Charter Amendments.—Nonpartisan Detroit with an honest election system, small council elected at large, and other symbols of political emancipation, proved October 8 at the biennial municipal primary that the voting public insists on having some kind of a political campaign and some kind of public performance by candidates, no matter what may be the record of achievement behind any candidate.

John C. Lodge, elected mayor two years ago, ran a close third in the nomination primary being defeated by his chief competitor of 1927, John W. Smith, and by Charles Bowles, a former but unsuccessful mayoralty candidate, who ran second. Out of more than 400,000 registered voters a total of 173,000 voted, giving Smith, 71,417; Bowles, 53,222; and Lodge, 48,420. During his many years of service as councilman, acting mayor and mayor, Mr. Lodge had never made an active political campaign, always pointing to his record in public service as his platform and particularly declining to issue statements or make speeches on the ground that campaign ballyhoo, personalities, and mud-slinging were beneath the dignity of an efficient, municipal administrator.

Both Smith and Bowles made vigorous campaigns, addressing hundreds of meetings. Lodge was supported editorially by the *Free Press* and *News*, while the *Times* was silent, except in its news columns. All three daily papers reported the two campaigning candidates rather generously. A citizens' committee, which circulated Mr. Lodge's petitions and drafted him again as a candidate, put forth a little advertising at the eleventh hour. Henry Ford and the Citizens' League also supported Lodge.

Special significance attaches to the primary result in Detroit because Lodge represented the coldly administrative efficiency of a wholly nonpartisan candidate, while Smith and Bowles are factors respectively in two opposing political camps whose influence reaches out into state and national politics of Republican variety. The election of either Smith or Bowles, November 5, will mean much aid and comfort to Republican factions who have plans formed with reference to the next gubernatorial election and the election of a United States senator to succeed James Couzens. It is a case where the nonpolitical, nonpartisan group suffered defeat at the hands of men who were closely organized, well-financed, and conducted vigorous campaigns.

At the same election, by a two to one majority, Detroiters defeated a series of charter amendments which would have turned the city back to a ward system with fifteen councilmen and a budget procedure of so experimental a nature as to have merited general condemnation by business and civic organizations, and by all three newspapers, as well as most candidates for the primary.

W. P. Lovett.

*

Wisconsin Adopts Centralized Purchasing.—The state of Wisconsin has now adopted centralized purchasing. On September 6, Governor Walter J. Kohler signed a law (chapter 468, laws of 1929) which established a bureau of purchases in the executive department. The bureau is supervised by the director of purchases, the governor's appointee.

To this bureau is assigned the task of purchasing all supplies, materials, equipment and contractual services required for use by all departments, institutions, boards and commissions of the state government, including the University of Wisconsin. "Cement, machinery and other materials and supplies needed for the improvement or maintenance of highways and streets, paid for in whole or in part with state funds," are to be bought by the bureau of purchases. By thus consolidating the buying function for all state institutions, the state university, and the state highway commission, Wisconsin has gone much farther than most states against the usual arguments that such agencies should be allowed to buy separately and independently. The bureau of purchases is vested with all buying power formerly exercised by the state printing board, the superintendent of public property, and the state board of control.

The new Wisconsin statute wisely permits the administration of the purchasing bureau by "administrative law." The details of purchasing procedure are to be formulated, and amended from time to time, by the advisory council of the executive department, consisting of the governor, the director of the budget, the director of personnel, the state chief engineer and any others whom the governor may designate. The purchasing policy of the state can thus be kept flexible and subject to needed changes, without statutory amendment.

The law is also to be commended for permitting the director of purchases to formulate standard specifications, to determine the amount of surety to be submitted with bids, and to enter into sliding-scale, flexible and long-term contracts. All of these provisions are essential to up-to-date purchasing technique. The law is unique in requiring all contracts to provide for the arbitration of disputes between the state and the contractor.

It is to be regretted that the law did pot prescribe any experience qualification for the director of purchases. No criticism can be made of Governor Kohler's appointment of F. X. Ritger, formerly purchasing agent of the University of Wisconsin, as the first incumbent in the position; but some succeeding administration may fill the position with a political appointee.

The Wisconsin law is one of the best purchasing laws now effective in this country. It is based on a manuscript prepared by a special committee of the Milwaukee Association of Purchasing Agents and by the writer. Joseph W. Nicholson, city purchasing agent of Milwaukee, and Harold L. Henderson, special aide to the governor and formerly director of the Milwaukee Citizens' Bureau, are entitled to great credit for steering this law through the legislative mill.

RUSSELL FORBES.

✠

Court Decision on Purchasing Law.—Does the term "supplies" include or exclude materials and equipment? This was the issue confronting the Supreme Court of Oneida County, New York, in the case of *McLuney Motor Company* v. *Pringle.* The decision of Justice Miller, recently handed down, is of paramount importance to the interpretation of purchasing laws.

In May, 1921, the board of supervisors of Oneida County created a purchasing department under the provisions of article 12-B of the County Law. This general law gave any county purchasing agent, appointed in accordance therewith, the authority to "make all purchases, and all contracts for *supplies, of every nature,* for the county" or any agency thereof. The purchasing agent of Oneida County had, since 1921 and until Janaury 16, 1929, been permitted to do all the buying for the entire county government. On the latter date, the board of supervisors directed its clerk to purchase an automobile for the overseer of snow removal, thus ignoring the county purchasing agent in the transaction.

In its decision, the court reviewed the special laws enacted by the legislature prior to 1921 by which certain counties of New York had established purchasing departments, and concluded that the word "supplies" was not used by the legislature in a narrow or restricted sense. The court also took cognizance of the fact that the board of supervisors of Oneida County had also so interpreted the general law of 1921 until the instant case arose in January of this year. This important and clear-cut decision by Justice Miller concludes as follows:

> Considering the language employed in article 12-B of the County Law, the purposes for which it was adopted, the special laws that preceded its enactment and the construction given it by the board, leads me to the conclusion that the Legislature did not intend to use the word "supplies" in a narrow and restricted sense, but rather to vest the purchasing agent with the power to make purchases of all kinds, including equipment of every character.

RUSSELL FORBES.

✠

London Squares.—Readers of the REVIEW will recall the movement begun two years ago to save the London squares for the people. There are more than four hundred of these open spaces in the city of brick and mortar. The majority of them are held in private ownership as gardens for the use of the residents of the surrounding houses. In recent years, however, a tendency has appeared to build upon them, now that the land is valuable for the purpose. At the request of the London County Council a royal commission on London squares was appointed to investigate whether or not these little parks could be preserved for the people.

The report of the commission was published a year ago and it is now understood that the government is willing to introduce a bill to preserve the squares. The commission recommended that all enclosures except five should be permanently kept as open spaces. A moot question was whether the owners of the squares should be compensated for the deprival of the right to build upon them. A minority of the commission held that the owners have no just claim to compensation, but the majority maintained that compensation should be paid. The chief valuer of the board of inland revenue estimates that the maximum amount of compensation properly payable to the owners does not exceed £600,000.

✤

Merit System Reported a Farce in Cuyahoga County.—After an exhaustive study of the administration of the merit system in Cuyahoga County, the Citizens' League of Cleveland reports that the city commission, which administers civil service in the county, has turned it into a farce. Specific charges are that although the commission has been in charge of the county service for four years, less than half the service is on a formal merit basis; that mismarking of papers and totally unfair ratings of answers have taken place in many examinations; that too many temporary appointments are allowed and permitted to continue in violation of law; that payrolls are not seriously checked; and that the commission has continually winked at political activity to the embarrassment of honest public officials. The facts are developed in the September 25 issue of *Greater Cleveland*, published by the Citizens' League.

✤

The Irish Free State appears to be moving rapidly for the betterment of municipal life and government. The town-planning bill which has been introduced into the Free State legislature by Senator Johnson follows generally the English Town-Planning Act of 1925. One provision empowers the local authority to order the removal of any offending advertisement where the amenity of any district or public or private open space is injured by the display of such advertisement.

Another evidence of activity relates to the creation of Greater Dublin, a bill for which is to be introduced when the Dáil is next in session. It extends the so-called borough form of government to Greater Dublin and applies the principle of city management to municipal administration. In other words, the government which is proving successful for Cork is to be applied to Dublin. The *Irish Statesman* expresses gratitude "that the Greater Dublin is to be guarded against the evils of a muddled application of the democratic idea." It approves the proposals for Greater Dublin as "a right proportion of democratic influence and independent business management."

The same paper pays credit to Mr. John J. Horgan for the introduction of manager government in Cork. Mr. Horgan will be remembered as a contributor to the Review, his latest article having appeared in May, 1929, on "The Cork City Manager Plan."

✤

St. Paul Considers Council-Manager Charter.—On November 5 the people of St. Paul vote on a council-manager charter submitted by the charter commission after two years' work. According to the charter, the council would number ten members elected at large, five to be chosen every two years for four-year terms. The mayor would be elected every two years, with a salary of $5,000. The council would appoint the city manager, who would in turn select and remove all directors and heads of departments, unless the charter specifically provided to the contrary. The mayor would appoint the board of education and the city planning commission, and would possess a limited veto power.

The adoption of the charter will not only add St. Paul to the formidable list of large cities operating under the manager plan, but will mark a severance of school administration from that of the city proper. By providing that the school board shall be appointed by the mayor, the city will fall in line with more generally accepted practice. As we go to press it is impossible to forecast the result of the election.

✤

Local Elections in England.—On November 1 the election of one-third of the councillors of 83 county boroughs and of nearly 260 non-county boroughs in England and Wales took place. In the campaign which preceded the election the Labor Party made special efforts to capture wherever possible the machinery of local government. English newspapers conceded the Labor Party to be a more efficient fighting organization than its Conservative opponent. American textbooks on municipal government to the contrary notwithstanding, municipal elections in many of the larger cities and towns in England are now fought on party lines, and help and advice from headquarters is always forthcoming when desired.

Candidates Promise to Surrender Salaries to Employ City Manager.—Four aspirants to the position of city commissioner in Covington, Kentucky, have agreed that if they are elected they will each devote three thousand dollars of their salary to the employment of a city manager. While undoubtedly this plan means an improvement in the administration of the city, it is much less satisfactory than thoroughgoing charter amendment. Other cities have followed the same method, only to discover that when a new commission enters office it wants the full salary for itself. When that day comes the manager plan promptly falls by the wayside.

*

Fall River, Massachusetts, with a population of 135,000, boasts a floating debt of almost $6,500,000. In reply to a suggestion that the city fund its inherited floating debt in the form of five-year serial bonds, the mayor intimates that such a course would only enable some other administration to borrow more money. When a city becomes the slave of an uncontrollable appetite for incurring unmanageable floating debts, the time for the state to exercise disciplinary control has arrived.

The School of Citizenship and Public Administration of the University of Southern California reports a successful summer short course in public administration and the opening of the fall term of regular campus classes leading to the degree of master of science in public administration. In the spring quarter of last year, more than 160 persons engaged in public work during the day were enrolled in late afternoon and evening classes at the civic center division of the school.

*

Veteran Preference Again Up in New York.—On November 5 for the second time the voters of New York state will be called upon to act on the adoption of an amendment to the state constitution extending to veterans preference to the civil service of the state and the cities. A similar amendment was defeated in 1921 by a majority of almost 400,000 votes.

*

The Sixteenth National Recreation Congress was held in Louisville, October 14–19, under the auspices of the Playground and Recreation Association of America. The program topics centered around the problem of leadership in recreation.

NATIONAL MUNICIPAL REVIEW

PUBLISHED MONTHLY BY THE

National Municipal League

Vol. XVIII, No. 12 DECEMBER, 1929 Total No. 162

CONTENTS

Editorial Comment .... *H. W. Dodds* 729

Municipal Government in Soviet Russia

I. Before and During the Revolution ...... *Bertram W. Maxwell* 733

Wisconsin "Unshackles" Her Cities .... *Vincent Lynagh* 737

Zoning Can Help the Farmer .... *George B. Ford* 742

The Democratic Party in Maine .... *Lane W. Lancaster* .. 744

Pittsburgh Reëlects Mayor Kline .... *Ralph S. Boots* 749

Comparative Tax Rates of 235 Cities, 1929 .... *C. E. Rightor* 753

DEPARTMENTS

I. Recent Books Reviewed 766

II. Judicial Decisions .... *Edited by C. W. Tooke* 772

III. Public Utilities .... *Edited by John Bauer* 775

IV. Municipal Activities Abroad .... *Edited by W. E. Mosher* 780

V. Governmental Research Association Notes .... *Edited by Russell Forbes* 783

VI. Notes and Events .... *Edited by H. W. Dodds* 786

The contents of the National Municipal Review are indexed in the *International Index to Periodicals* and in *Public Affairs Information Service*.

GRIFFENHAGEN & ASSOCIATES, LTD.
BUREAU OF PUBLIC SERVICE

Consultants and active assistants on the administrative and financial problems of public bodies in programs of review, audit, and constructive improvement; seventeen years of experience in the service of officials, legislators, and citizen organizations

HEADQUARTERS OFFICES 155 EAST SUPERIOR STREET, CHICAGO
EASTERN OFFICES MILLS BUILDING, WASHINGTON, D. C.

THE LEAGUE'S BUSINESS

Thirty-Fifth Annual Meeting a Great Success.—The League's thirty-fifth annual meeting was held at the Hotel Stevens, Chicago, November 12, 13, and 14. The meeting this year was called the National Conference on Improving Government and was a joint meeting with the Governmental Research Association and the National Association of Civic Secretaries. A total of 183 delegates registered at the convention.

The meeting was without doubt one of the most successful in our history. The committees on municipal reporting, model election law, and county manager plan all held interesting meetings. The session on: "Is the Manager Plan Adaptable to Counties?" was one of the most spirited meetings ever held anywhere on the subject of county government. Another feature of the convention was the luncheon session on November 13 at which Professor Charles E. Merriam and Professor Thomas H. Reed delivered interesting addresses. The banquet session on the evening of November 13 was featured by addresses from ex-Governor Frank O. Lowden of Illinois and Russell Wilson, councilman-elect of Cincinnati.

At the annual business meeting of the League, held on Tuesday evening, November 12, the report of the nominating committee was unanimously adopted. Mrs. Virgil Loeb of St. Louis was elected as a member of the council instead of Mrs. John H. Rosenstiel of Chicago, who refused the nomination. Louis P. Head, editor of the *Dallas News*, was also elected a member of the council to fill the unexpired term of Will C. Hogg of Houston, resigned.

The meeting was sponsored in Chicago by thirteen civic agencies. To them we owe a great deal for their efforts in stimulating local interest. Edward M. Martin, secretary of the Public Affairs Committee of the Union League Club of Chicago, was in charge of local arrangements and contributed greatly to the success of the meeting. The complete *Proceedings* will be published by the Governmental Research Association and will be sold in mimeographed form for $2.00 per copy. Next month's issue of the REVIEW will carry an article by Howard P. Jones, summarizing the results of the convention sessions.

*

Portland Prize for 1929.—A prize of $25 is awarded annually to an undergraduate student in Reed College, Portland, Oregon, for the best essay on a phase of municipal government and administration. The National Municipal League acts as the custodian of the fund from which the prize is derived and annually selects the judges of the contest.

The 1929 award goes to George Corwin, who also won the 1928 prize. The judges of the contest were: Rowland A. Egger, University of Michigan; William H. Nanry, San Francisco Bureau of Governmental Research; and Edwin A. Cottrell, Stanford University.

*

New Publications of Municipal Administration Service.—The Municipal Administration Service has in press two pamphlets in its regular series. *The Public Works Department in American Cities*, by C. E. Ridley, has already been issued, and *Municipal Motor Equipment*, by C. A. Crosser and Welles A. Gray, will be off the press early this month.

RUSSELL FORBES, *Secretary*

NATIONAL MUNICIPAL REVIEW

VOL. XVIII, No. 12 DECEMBER, 1929 TOTAL No. 162

EDITORIAL COMMENT

Declaring the government of Napa County, California, hopeless under the present system, a recent grand jury urged the appointment of a manager to run the county affairs. Comparing the county to an automobile without a driver, the grand jury recommended that a proved executive be given authority over all county offices.

*

A judge who imposed a fine of twenty-five dollars upon a couple caught spooning in a park while their car was parked without lights, and released a speeder with a fine of three dollars, did not have a proper appreciation of his functions, according to Judge Levi M. Hall of Minneapolis, in an address before the annual Safety Congress at Chicago. It is impossible, continued Judge Hall, for the average police court judge to give proper attention to traffic cases. The situation calls for a separate traffic court with judges permanently assigned to it. The traffic judge thus becomes a specialist in this line of work and a real factor in the public safety movement.

*

The sixteenth annual convention of the International City Managers' Association was held in Fort Worth, Texas, November 20 to 23. A feature of the program was a joint session of councilmen and managers, in which the proper interrelations between manager and council were brought out. Other topics included: government responsibility for public health, training for public administration after entry into the service, and the problems of city managers in large and small cities.

*

The resubmission of the Pittsburgh metropolitan charter, defeated by the voters on June 25, stands about where it did before the petition to the state supreme court for a declaratory judgment as to whether the county commissioners were authorized to place the question again on the ballot. Our readers will recall that the common pleas court had ruled against the power of the commissioners to resubmit. The supreme court pointed out that the county commissioners had neither determined to submit the charter again nor refused to do so. For this reason it held that there was no controversy before the court, and in the absence of some showing of actual controversy no court has jurisdiction to grant relief.

*

Believing that modern city noises are louder than they were in the days of horse cars, carts, and cobblestones, Health Commissioner Shirley W. Wynne has appointed a noise commission for New York City. The commission is made up of distinguished physicians, lawyers, and business men.

It is specifically charged with the following duties: (1) To make recommendations as to what is immediately possible under existing ordinances and laws for the alleviation of the noise nuisance. (2) The preparation of a complete classification of noises with specific measurements of principal city noises and a tabulation of intensity geographically arranged. (3) The preparation of a scientific statement of the effect of noise on human beings. (4) Recommendations as to what constitutes the border line between reasonable, inevitable noise and unreasonable, preventable noise. (5) A study of the methods of sound absorption in the constructing of buildings. (6) The drafting of any new legislation which may be necessary to control noise in New York City.

Commissioner Wynne fears that the noisiness of New York is responsible for an enormous drain of energy, even from those who are not acutely conscious of noise as a nuisance but who nevertheless are unconsciously exhausting themselves in resisting it.

*

Municipal Election Results

After months spent in carefully drafting a charter and following an energetic campaign, the voters of New Rochelle, New York, adopted a city manager charter at the election on November 5. The vote was 5,530 to 3,700. The new plan goes into effect January 1, 1931.

On the same day St. Paul voters rejected a manager charter by a vote of 22,867 against 22,457 for the proposed change. The vote was thus 4,768 short of the 60 per cent necessary under the Minnesota constitution for the adoption of a new charter. The defeat is ascribed to a variety of reasons. The fact that there had been no serious scandal since 1914, when the present charter went into effect, undoubtedly led many to rest content with the form of government now in force.

In three large cities under the manager plan councilmanic elections resulted favorably to the cause of good government. In Cincinnati the Charter Committee secured six of the nine seats. This is the third time that the independent group has emerged victorious. A continuance of the high efficiency which the city has attained is guaranteed for two years more.

Elections to the Cleveland council have given that city the best council it has enjoyed since the introduction of the manager system; and probably mark the end, for the time being at least, of domination by Boss Maschke, the leader of the city Republican organization. Rochester, N. Y., also witnessed a victory for city manager interests. Three of the five councilmen-at-large elected were endorsed by the City Manager League. The campaign was bitterly fought between the League and the Republican organization. The four district councilmen, evenly divided between the two groups, hold over until January 1932. Consequently the balance of power is still with the charter supporters on a 5 to 4 alignment.

The mayoralty elections in New York, Detroit, Boston, Buffalo and Pittsburgh are reported in the Notes and Events Department of this issue.

New York state approved a constitutional amendment providing for veteran preference in the civil service of the state and cities, and another extending greater protection from legislative interference to the home rule counties of Westchester and Nassau if, as and when these counties see fit to adopt charters of their own.

After forty years of effort Ohio finally amended her state constitution to permit classification of property for taxation. Her greatest impediment to tax reform has thus been removed.

*

Replatting to Cure Past Mistakes

The purpose of replatting is to cure the mistakes made before the city was alive to the evils of poorly conceived subdivisions. A poorly designed street system may be an effective bar to the proper development of an area; the only way to remove such a curse is to abolish the old street plan in favor of a new one, before the area is built up and change becomes impossible except at terrific cost. In the United States, as the laws are framed, replatting can be done economically and effectively only when the owners voluntarily agree to throw their holdings into a common pool and receive back proportionate shares in the newly platted region. The method of zone condemnation is generally prohibitively expensive, since it involves the purchase of the land outright and resale to private holders. Furthermore in jurisdictions where excess condemnation does not obtain, zone condemnation appears out of the question for replatting purposes. Whether the American courts would view compulsory replatting as a legitimate exercise of the police power not bound by the limitations of eminent domain is doubtful.

The current issue of *Local Government Abroad* describes the procedure in Germany, where both compulsory and voluntary replatting rest on a secure legal base. There the law assumes that the redistribution of land is a matter of public interest if it will assist in the development of the area as building land. It is to be applied to land which is as yet mainly unbuilt and for which a city plan scheme has been approved. Individual plots already built upon may be excluded, wholly or in part.

The original Prussian law of 1902 applied only to Frankfort-on-the-Main; in 1918 it was made adoptive throughout Prussia. Since then the other German states have passed legislation incorporating similar principles.

The Prussian procedure permits all land which is to be redistributed to be pooled. All land needed for streets and public places is then deducted from the pool and vested in the city or commune. The remainder is then divided among the previous owners as nearly as possible in the same proportions as existed prior to the pooling. Each owner receives back a plot in as nearly as possible the same position as the one which he previously held.

Owners are entitled to money compensation for land reserved for streets and public places in excess of 35 or 40 per cent of the total area pooled. If the value of the reallocated plot is less than the plot of the same owner before pooling, the owner is entitled to monetary compensation. He also receives compensation if he suffers a loss by appropriation of buildings or destruction of special natural qualities. This compensation is paid from a "redistribution levy" assessed against owners whose new plots exceed their old holdings in value.

Action looking to replatting may be begun by the communal authority or by a majority of the owners if they possess more than one-half of the area to be redistributed. The proposal must be approved by the district committee. When approved, the head of the district appoints a redistribution committee which carries through the replatting. Their plan for redistribution must be approved by the district committee. Appeal from this committee to the courts is provided.

The German procedure contains ample safeguards against abuse. Sooner or later, American cities will come to possess similar powers, as the scope and needs of city planning are more generally understood.

*

Beneficial Results of New York's Stringent Subdivision Control

Adequate control of subdivisions has come to be recognized as indispensable to the execution of city plans. Enlightened self-interest leads most subdividers to follow the plan which the city has promulgated. But occasionally a real estate operator appears who will not abide by it and, rather than file a plat which would incur governmental disapproval, he sells land to unsuspecting purchasers by metes and bounds.

In 1926 and 1927 New York passed city and village planning laws under which municipalities can definitely control all plats and subdivisions under the police power of the state.[1] The legislative authorities of any city, village or town may establish an official map of streets and parks. The filing of plats without the written approval of the planning board is prohibited. But the law of New York does not stop here. It goes on to authorize denial of a permit for a building not served by a street on the official map or for a building in the bed of a mapped street. As in zoning, a board of appeals is empowered to make exceptions in special cases. No longer in New York state can the wildcat developer ignore a city plan regularly adopted by a municipal government.

To some these provisions doubtless seemed at the time of passage to be dangerous and unjustifiable as a reasonable exercise of the police power. What the courts' attitude would be was questioned by many. For these reasons all will be interested in the address delivered by George B. Ford before the New Jersey State League of Municipalities on September 26.

The New York city planning law, says Mr. Ford, is getting results. Every new subdivision in the nine municipalities which have availed themselves of the powers of the new law is conforming to future highway lines. Without undue hardship to anyone, building permits are being refused for proposed buildings in the beds of mapped streets. So far no property-owner has seemed to feel particularly damaged by the necessity of adhering to the official map. The municipality pays no imagined damages until it is ready physically to improve the highway and actually to take over the new land necessary to the improvement. Obviously, warns Mr. Ford, the official map must not be confiscatory and should be drawn up only after the most searching study of future needs.

Although the law has been in force for three and one-half years, there has been but one case under it in the courts. It has not been decided yet. Edward M. Bassett believes that the law will be sustained in accordance with the principles which support the zoning enabling acts.

The interesting part, concludes Mr. Ford, is that cities which adopt a comprehensive plan proceed to work out at the same time a physical and financial program of public improvements for many years ahead.

Several New Jersey interests are advocating the adoption of a similar law by the legislature of that state. Doubtless agitation for such measures is being carried on elsewhere. The story of New York's experience should prove reassuring and stimulating.

---

[1] See Frank B. Williams, "An Advance in Planning Legislation," NATIONAL MUNICIPAL REVIEW, Vol. XV, pp. 407–413.

MUNICIPAL GOVERNMENT IN SOVIET RUSSIA

I. BEFORE AND DURING THE REVOLUTION

BY BERTRAM W. MAXWELL
Washburn College

A first-hand report on municipal developments in Soviet Russia. This month the author describes the changes brought by the revolution. Next month he will discuss the structure of the new city governments established by the soviets. :: :: :: :: :: ::

RUSSIA is not a land of cities. About eighty-five per cent of the population lives by agricultural pursuits. Whereas in the United States one-fourth of the population lives in cities of over one hundred thousand inhabitants, less than one-sixteenth of the total population of the Soviet Union resides in urban centers of this size. But since the Bolshevik government depends largely on the support of the urban industrial class and emphasizes industrialization, the city in Russia has assumed an importance hitherto unknown in the life of the country.

To date, very little has been published in the United States on Russian city government before the World War or under the Soviet régime; this paper perforce, then, will have to limit itself to a survey of Russian municipal government in the decade following the establishment of the communistic state, with some brief attention to municipal history leading to the overthrow of the imperial and provisional governments and the establishment of the Soviet Union, deferring the discussion of details of structure and organization to the next article.

THE RUSSIAN CITY IN THE PRE-REVOLUTIONARY PERIOD

The Russian city was not given legal status until comparatively recent times. In 1758 Catherine II granted a charter bestowing upon the cities the rights of individuals before the law; and the privilege of taking part in the conduct of municipal affairs was extended to nearly the entire adult male civil population. Since this legislation was too far in advance of the general political and social conditions then prevailing in the Russian Empire, it was never carried out and soon became obsolete. In the years between 1862–1870 a series of ordinances was issued to reorganize municipal government with a view to granting the cities some degree of self-government.

Finally, in 1870 the so-called Municipal Act, modeled after the Prussian municipal ordinances, was promulgated. Under that act all citizens paying local taxes were granted the right to vote and to serve on municipal boards. The electorate was divided into three classes in accordance with taxes paid by them. A municipal council was created, the membership of which was elected by indirect vote. Theoretically the city government was supreme within the limits of its jurisdiction; practically, the control of municipal affairs was vested in a royally appointed governor who was assisted by a special board of municipal affairs.

In the years between 1870 and 1917

the central government tightened its grip on civic governments. In 1892 a municipal decree was issued which materially curtailed the jurisdiction of municipalities. The suffrage was henceforth confined to owners of real property; as a result, only about one per cent of the city population was qualified to take part in municipal elections. The mayors and members of municipal boards became the object of governmental scrutiny and were classified as imperial officials, subject to the jurisdiction of civil service courts. In striking contrast the powers of the appointed governor were increased; he received authority to suspend municipal ordinances which he deemed contrary to law or outside the jurisdiction of the city. Eventually the governor was placed in a position to exercise an absolute veto on municipal activity. In addition, the imperial minister of the interior could at any time suspend city ordinances which met with his disapproval. Such was the trend of all municipal legislation and attitude on the part of the central government up to the time of the overthrow of the autocratic régime in 1917. The short-lived provisional government introduced western European municipal practices, but five months after its inception it gave way to the Bolsheviks.[1]

THE SOVIET SYSTEM OF CITY GOVERNMENT

Bolshevik writers on municipal government and administration trace the Soviet system of city rule to the Revolution of 1905. In the month of May of that year the Soviet (Council) of Workers' Delegates, finding the authorities of Ivanovo-Voznesenks demoralized and helpless, took over the task of guarding public safety. In October of the same year, the workers of St. Petersburg also organized a soviet, but it proved to be of short duration. When the Revolution of February, 1917, overthrew the imperial government, the soviet of Petrograd was revived, and, having drawn into its numbers the soldiers, became not only the ruling authority of the city but practically the *de facto* government of the entire land, until the Provisional Government gathered enough strength to assert itself.[2]

Times were, however, too stirring and revolutionary; enthusiasm was running too high for the soviet to pay much attention to the rather prosaic task of city administration.[3] The Bolshevik war cry, "All power to the soviets," inspired the soviets to take over all possible authority. When the feeble and much harassed Provisional Government collapsed on October 25, 1917, the soviets found themselves theoretically in possession of all power in every branch of government.

The task proved gigantic, and since the revolutionary spirit ran at even whiter heat than in February, the soviets did not seem to find time to settle down to the tedious task of constructive work. Hence the influence of the soviets in the administration of local affairs was negligible. The new government was inclined to leave municipal machinery intact, reserving to the soviets, however, the controlling power. Accordingly, in November, 1917, the Petrograd city *duma* (municipal council) was dissolved and a new election was held. The middle and liberal classes abstained from voting in protest and thus permitted the Bolsheviks and the "left" Social Revolutionaries to obtain a large majority in the city *duma*. The local authorities, in those cities which submitted to the controlling influence of the soviets, were soon confronted with constant interference and meddling on the part of some members of the local soviets. Resistance was useless and appeals could only be directed to the local soviets. Frequently to end friction and misunderstanding the soviets simply dispersed the local authorities and took over the administration themselves. Unfortunately the soviets at that time had very little administrative experience; their traditions were not those of a governing class, but rather those of a national revolutionary organization, and as a result misrule and inefficiency were rife, often reacting disastrously upon city welfare. There was pronounced resentment on the part of the urban population to the new authority and it often expressed itself in passive opposition. As the fever of the revolution subsided, the soviets settled down to constructive work, the opposition died down, and eventually the soviets were accepted as the actual municipal authority. Yet up to the last part of 1917 there was considerable agitation in favor of organizing democratic municipal organs.

---

[1] For a description of Russian municipal government and activities during the World War, see Astrov, Nicholas J., "Municipal Government and the All-Russian Union of Towns," in *The War and the Russian Government*, New Haven, 1929.

[2] Chugunov, S. J., *Gorodskiye Sovety*, pp. 7–9.

[3] Although in some cities, such as Cronstadt and Krasnoyarsk, the Soviets of Workers and Soldier Deputies became the actual ruling power.

Former Chamber of Commerce Building of Odessa, Russia; Now Meeting Place of Odessa City Soviet

Before the promulgation of the new soviet constitution in July, 1918, no uniform system of municipal government was to be found in Russia. The organization and functions of municipal organs differed in the various cities of the land. To be sure, the people's commissar of the interior issued from time to time decrees for the purpose of bringing about some standardization in municipal affairs, but not until the adoption of the constitution were these orders taken seriously. Every local soviet considered itself to be the highest authority in a given territory, levying taxes and contributions, and independently organizing its system of administration. Some of these groups went so far as to order executions of opponents, without consulting the central authorities.[1]

CHANGES BROUGHT ABOUT BY THE SOVIET CONSTITUTION

With the adoption of the soviet constitution in July, 1918, a more orderly procedure in municipal administration was established. The fundamental law stipulated that the membership of the city soviet was to be composed of one delegate for each one thousand inhabitants, provided that there were no less than fifty and no more than one thousand delegates in a soviet.[2] The term of service of the individual delegate was fixed at three months. For the purpose of actual administration the city soviets were to elect an executive committee to be composed of one member for each fifty delegates; this committee, however, was not to be under three nor in excess of fifteen members.[3] The executive committee was responsible solely to the city soviet of delegates. A meeting of the soviet could be convoked upon the initiative of the executive committee or upon the demand of one-half of the members of the soviet. It was mandatory, in any case, to hold at least one meeting a week. Within the limits of its jurisdiction the city soviet was supreme in a given territory.[4] The designated general scope of work of the city soviets was as follows:

(1) To take all possible measures to carry out the decrees of the constituted authorities.

(2) To encourage the development of cultural and economic life in the community.

(3) To give decisions in affairs of a purely local character.

(4) To unify all soviet activities in a single territory.[5]

The city soviets were to organize various departments for the carrying out of administrative tasks, but there was no provision as to number or kind of departments the city soviets were to establish. Indeed these provisions were too vague and general, and left undecided the questions of competence and organization of city organs. Unfortunately, soon after the promulgation of the constitution, civil war broke out, bringing with it confusion and still further limiting and hindering the inexperienced local agencies in their attempt to build up orderly administrative machinery. Military authority was supreme and very little attention was paid to constitutional and legal provisions. It was a period of terrific struggle, famine and wretchedness. The entire land and especially the city was hungry and cold and thought very little of self-government. Municipal government practically ceased to exist.

From time to time, however, the central authorities endeavored to reestablish the city soviets. Thus as far back as 1919, the seventh All-Russian Congress of Soviets took measures to revitalize the urban soviets, issuing various instructions to that end, but no attention was paid to them. The eighth All-Russian Congress of Soviets, meeting in 1920, recommended that city soviets be organized in all urban settlements for the purpose of local administration, but two years elapsed before a special municipal ordinance was passed by the All-Russian Central Executive Committee which changed in detail the municipal organization of previous enactments.[1]

---

[1] Chugunov, S. J., *op. cit.*, pp. 16–17.

[2] This provision applied only to cities of at least 50,000 inhabitants. Smaller cities did not have to comply with this regulation.

[3] In Moscow and Petrograd the executive committee could number as many as 40 members.

[4] *Soviet Constitution*, Chapter 11, Articles 57–60.

[5] Chugunov, S. J., *op. cit.*, p. 19.

The year 1922 marked the receding of the wave of militant and heroic communism, and the central authorities were in a position to demand and obtain some degree of coöperation from urban centers. The task, however, of bringing about order out of the chaos created by civil war and of laying the foundation for municipal traditions was, to say the least, extremely difficult.

It was not really until 1925 that the work of developing city organs began seriously. Soviet Russia was facing a tremendous and tedious task of resurrecting civic life and at the same time building municipal institutions based on revolutionary ideals. Yet in the few years of peace great advances have been made.

The cities are coming to life again. The débris of revolution and civil war is being cleared away; damaged streets and buildings are in the process of repair and new buildings and public playgrounds are springing up. Municipal enterprises of all kinds are encouraged and developed by city authorities. There is an attempt to interest the broad masses in actual city administration. Indeed, the places in municipal governmental agencies previously occupied by the well-born are now filled by men and women of the working class. City life in Russia is being born again under conditions hitherto unknown in the history of the world.

WISCONSIN "UNSHACKLES" HER CITIES

BY VINCENT LYNAGH

Milwaukee

Wisconsin cities, especially Milwaukee, suffered long from interference by the state legislature in matters of local concern. Finally in 1924 a constitutional home rule amendment was adopted and municipal freedom seemed secure. But court decisions and subsequent enabling legislation have robbed Milwaukee of its hard won victory. :: :: ::

A QUARTER of a century has elapsed since the elder La Follette disclosed his opinion, "It is a mistaken policy to encroach by state legislation upon local government where the subjects pertain so especially to local interests, and where the expense must be borne by local taxation." This communication to the 1903 legislature is supposed roughly to be the inception of the "home rule" movement in Wisconsin.

A twenty-year wrangle followed: Milwaukee *versus* the rest of the state. The 1911 and 1913 legislatures gave favorable sanction to a home rule constitutional amendment, which was shelved by an indifferent and hostile electorate in 1914 with a two to one vote. In 1915 and 1917 the amendment did not survive the legislature, but the one of 1919, 1921, and 1923 emerged each time victorious. The 1919 gesture proved sterile because of some mistake in certification. In 1924 the people took their lives in their hands and approved the action of their legislature.

---

[1] Between 1922–28 the Union and the All-Russian Central Executive Committees were very much concerned with affairs of local government. During that time ordinances were issued which modified the provisions of 1922 as to detail of city rule. For a collection of resolutions and ordinances passed by various congresses of soviets and Union and All-Russian Central Executive Committees, see Michailov, G. S., *Mestnoe Sovetskoye Upravleniye,* Appendix, Parts I–III.

At the same time that Milwaukee civic associations were demanding home rule, " . . . a long-continued effort was made during successive legislatures by amendments to the general law to standardize the government of Wisconsin cities, and culminating in the general charter law" described by Justice Eschweiler in his dissenting opinion (209 N. W. 860). In 1921 the same legislature granted both requests by enacting the Uniform Charter Act just referred to, and also approving the home rule amendment. That there should be these two conflicting movements gaining ground side by side is not surprising when it is remembered that Milwaukee, a city of half a million, is seven times the size of the state's next largest city. Three-fourths of Wisconsin's population live in communities of less than 25,000 people. The state is essentially rural —one-third of the members of both 1929 houses gave their occupation as "Farmer." Thus it comes to pass that most of the time of each legislature is taken up with the weaving of schemes to further the interests of the rest of the state at the expense of Milwaukee, and, correlatively Milwaukee's interests are best served by resisting those encroachments. This is an old comedy with a long historical pedigree, and only deserves mention here to understand what follows.

EXCEPT MILWAUKEE, FEW CITIES HAVE USED HOME RULE

The compromises contained in the home rule enabling act, passed in 1925, typify the conflict between the rural and Milwaukee interests. The small cities and villages wished to minimize as much as possible the trouble incident to the passage of local charter legislation—they did not want to be bothered with local referendums or the designing of charters. Apathy was once more restored when common councils were empowered to pass charter ordinances, reserving to the electorate in each case, however, the right of a sixty-day referendum protest. Milwaukee felt that common councils could scarcely be trusted with such plenary powers. It, too, was placated with a provision which took the form of preventing the common council from legislating contrary to the will of the voter when such had been expressed at a local referendum.

The use which has been made of home rule during the four years of its operation is further evidence that the cities outside Milwaukee have little or no interest in the subject. Milwaukee has passed thirty-three charter ordinances, and one of them was subjected to a protest referendum. Exclusive of Milwaukee, seventeen cities out of the state's 143 have enacted a total of twenty-six charter ordinances. Ten of these have been employed to indulge the "great white way" complex. Their subject matter is ornamental street lighting. Of the remaining ordinances, one specifies a "through" street, another the payment for a spur railroad track, and yet another establishes for a city of 70,000 a budget system similar to Milwaukee's. This latter step was simply grotesque. The Milwaukee budget system was patterned after New York's board of estimate. It happened that the work of installing the system was carried through, in part at least, by some one who had been associated with the New York City board of estimate and apportionment. No proper regard seems to have been given originally to the immense differences between the respective local situations, just as no regard was given now when another Wisconsin city, under home rule, followed blindly in the steps of Milwaukee.

In Milwaukee's employment of home rule, the practice of legislating in detail, characteristic of the present charter, has been adhered to faithfully. Perhaps the most significant local legislation is the removal of certain mill tax limitations set by the state legislature upon the expenditures of the city service commission, park board, library board, and several others. One ordinance sets forth vivid, descriptive regulations for the administration of day nurseries, all compact with instructions about rubber bed sheets, the quarantining of diapers, and other domestic intricacies. Independence Day, too, has been the subject of deliberation, and $25,000 is provided as the maximum amount which the city will contribute towards any public jollity. The council has not been remiss, either, in looking out for number one. They raised the annual compensation for their celebrations from $1,860 to $3,000, but a circuit judge took an acidulous view of such self-appraisement, holding that the charter ordinance was "wholly void and of no legal effect."

COURT WHITTLES AWAY HOME RULE GRANT

To understand the court decisions interpreting home rule, it is necessary to review the prior attempts made to restrict state interference in municipal affairs. Milwaukee's early generous financial subvention of the railroads and its eagerness to complete public works resulted in a virtually bankrupt municipality. From that time forth the state undertook to restrict the city's actions in a most detailed manner. So poor was the articulation effected between state supervision and local welfare that in 1874 Milwaukee found itself with 100,000 people and no water works. The state had forbidden the emission of any further securities by insisting that the then outstanding indebtedness be reduced to a specific amount. Even salaries of city employees were increased by the legislature without the knowledge of the common council. It is obvious from this that the quality of legislative intervention was both irritating and unreasonable, and, with the intention of reducing it to a minimum the constitution was amended (Nov. 1892, Sec. 31, Art. IV) to prevent the legislature from interfering with the charter of any city by private or local law, and the nature of future legislation for cities was restricted by Sec. 32, Art. IV, which reads: "The legislature shall provide general laws for the transaction of any business that may be prohibited by section thirty-one of this article, and all such laws shall be uniform in their operation throughout the state."

This obligated the legislature to resort to the expedient of "classification" if it were to continue its practice of municipal legislation. Accordingly cities were "classified." And the supreme court of Wisconsin construed "uniform" in Sec. 32, Art. IV (above) to mean "uniform within classes of cities." Thus, so far as Milwaukee was concerned, the constitutional amendment became inoperative because it is the only city rated as "first class."

In 1911 the legislature passed a law ". . . conferring powers of self-government on cities, and providing for charter conventions." (Chapter 476.) In the May of 1912 litigation arising out of this law reached the supreme court, specifically: "Mandamus proceedings to coerce the clerk of the city of Milwaukee to submit to its electors, under chapter 476, Laws of 1911, a proposed alteration of the city charter, . . ." This law was declared unconstitutional (137 N. W. 20; 149 Wis. 488), and the case possesses an importance today more derivable from the concurring opinion of Justice Timlin than from any of its contested aspects. He outlined the struggle those other states which had incorporated the home rule feature into their constitutions seemed to be having, the scope and extent of the ensuing litigation, and the inconclusive and unsatisfactory nature of the benefits which accrued.

When the present home rule constitutional amendment was drafted, opportunity was given to profit both by the experience following the 1892 amendment and the decision of Justice Timlin. The drafters say that the decision was in front of them so that they might avoid ". . . the constitutional and other difficulties he had foreseen." The amendment Sec. 3, Art. XI reads: "Cities and villages organized pursuant to state law . . . are hereby empowered, to determine their local affairs and government, subject only to this constitution and to such enactments of the legislature of state-wide concern as shall with uniformity affect every city or every village. The method of such determination shall be prescribed by the legislature."

Now, it has been the contention of home rule advocates that the phrase "such enactments of the legislature of state-wide concern as shall with uniformity affect every city or every village" effectually prevents the legislature from classifying cities, presumably because it abolishes the need for such classification, or because it says that the only legislation by which the cities can be affected is such as "of state-wide concern as shall with uniformity affect every city or every village." The attorney-general of Wisconsin concurred with this view, when, at the instance of Joint Resolution No. 36a he submitted his construction of the amendment (Feb. 18, 1925):

> The amendment read as a whole clearly indicates an intention to depart from the rule long established under sections 31 and 32 of Article IV of the constitution that cities may be classified, and that cities can exercise no powers beyond those specifically authorized by the legislature. The amendment provides not only that enactments of the legislature must be of state-wide concern and operate with uniformity but that those must affect every city or every village.

STATE *versus* LOCAL CONCERNS

The first home rule case related to education (Harbach *v.* the Mayor and Common Council, 206 N. W. 210). The city refused to accept a state law applying to *cities of the first class* which increased the mill tax for school repairs. Milwaukee's city attorney conceded that education was of state-wide concern, but contended that there must be some point where the matter of education became a subject of local administration. But the court said: "If the field of legislation upon the subject of education belongs to the state, it belongs to it in its entirety. If the cause of education is not a subject of municipal regulation, the municipality cannot touch it or interfere with it in the slightest degree. . . ." Classification of cities in matters within the state legislative field was also to continue as before.

A change in Milwaukee's building heights regulation made by the common council, the next case, was first decided to be a matter of state-wide concern. The court on its own motion reversed its opinion stating: "Although the height of buildings in cities is of state-wide concern under the rule that health and safety regulations are for the people of the community at large, yet the height of buildings in a particular community is a problem and affair more directly concerning the inhabitants of that community than the casual visitor or the other parts of the state, and is therefore a local affair of that community within the amendment." This constitutes Wisconsin's most liberal home rule decision.

The Pabst Corporation *v.* City of Milwaukee (April 6, 1926, 208 N. W. 493) involved the Wisconsin type of public utility regulation, and, indirectly, the subject of home rule. The court decided that the Milwaukee water department came under the Public Utilities Act, and was therefore subject to the state railroad commission. This is distinctly counter to the trend of regulation of municipal plants. According to *The American City*, June, 1929, p. 130, thirty-five states have no regulation of municipal plants, five subject them to full regulation of the same type as private water companies, and eight have limited regulation by the state public regulatory body.

Finally the superior case (219 N. W. 858; April 3, 1928) disposed of the hopes of the "non-classificationists." It decided that the legislature will continue in the future as it always has in the past to enact legislation ". . . affecting only classes of cities. This is a plain recognition of the continuing right of the legislature to classify cities for the purpose of legislation in accordance with settled practice. But enactments of the legislature which do not affect all cities uniformly are to be subordinate to legislation of cities within their constitutional field. When cities under their constitutional power enact legislation, that legislation supplants in that city all enactments of the legislature with which it comes in conflict unless such enactments of the legislature affect all cities with uniformity."

AMENDMENT TO ENABLING ACT GIVES COUP DE GRACE TO HOME RULE

A City Charter League composed of citizens had been organized in March, 1927, to draft a comprehensive home rule charter suited to the city's needs. For two years the Charter Drafting Committee met almost weekly. The result was a proportional representation, near-strong-mayor charter which was planned for submission to the voters this spring. The Citizens' Bureau's staff had served with this group as consultants. The present charter was revised in 1874, and last compiled in 1914, when it amounted to seven hundred pages. One of the city's leading attorneys describes its proportions by saying: "No man knows or would attempt to say what laws do and what laws do not apply to Milwaukee."

The home rule advocates were to receive one more disappointment. The 1929 Wisconsin legislature has sweated its way to a belated conclusion. Among the statutes of legislative import to cities, it has passed a nine-line amendment to the enabling act (66.001 Stats.) which baldly states that each charter ordinance shall "specifically designate" what laws it supersedes (Ch. 267, Laws of 1929). The support for this political checkmate was provided "under cover of night and cloud," and it was only after the governor had signed the bill that its source was revealed—a subsequent committee hearing at Madison rent the veil to reveal the Milwaukee common council.

The legislature shoved an impossible task upon the city by thus interfering in an involved local situation; it asks the performance of a labor which it refused to undertake itself in 1921, when the Uniform Charter Law was passed. This law reads: "All special charters for cities of the second, third, and fourth classes are hereby repealed . . ." (Ch. 62.02: Stats.). No vested interest was powerful enough to persuade the legislature to tie its own hands by applying "specific designation" to the clutter of archaic rubbish which 62.02 junked. The City Charter League of Milwaukee made a detailed examination of nineteen "home rule" charters and failed to find one that attempted to repeal specifically all charter laws conflicting with the new charter. Wisconsin's originality in this connection confers a dubious distinction upon us.

To summarize: The function of local government has been complicated. The state legislature can interfere, when the subject matter is of "statewide concern," by passing classified legislation just as much as it ever did. Milwaukee will be singled out as much in the future as in the past because it is the solitary "first class" city in the state. In the field of local concern, classified legislation is also to continue, although the municipality by the exercise of an unflagging vigilance can make such an interference a bootless venture. But the plague of intermeddling can continue, and it commits the cities to the wasteful and negative task of continuously watching the legislature. The court interpretations of home rule have tended to circumscribe within very narrow limits the field of local concern. Milwaukee, the only city apparently interested in designing a home rule charter, must first secure the repeal of, or an amendment to, the "specific designation" requirement passed by the 1929 legislature, before its citizens can vote on the charter revision.

ZONING CAN HELP THE FARMER

BY GEORGE B. FORD

Technical Advisory Corporation, New York

Farmers living in small communities are subject to similar possibilities of injury by improper land uses as are their city brethren. How they may protect themselves is illustrated by suggested specifications governing wayside stands. :: :: :: :: :: :: ::

If there is anybody in the world who is used to looking out for himself it is the farmer. Seemingly nothing can harm him in his isolation. But is this true? Is he as independent of his neighbors as he often likes to think he is?

WHAT CAN HAPPEN WITHOUT ZONING

For example, there has been nothing to prevent a man coming in and locating on the next parcel a cement, lime or gypsum plant, a sandpaper or emery plant, an acid or chemical plant, or any other type of plant that might spread its dust, fumes and smoke over the surrounding farms ruining the crops and poisoning the farm animals. In the past nothing that the farmer could do could prevent such an outrage. He was helpless.

Yesterday there was nothing to prevent a low-class subdivision with narrow streets and 20 to 25 foot lots, squatting anywhere in the town, spoiling any possible market for property all around it—a blight on the district. Such a development would tend to bring with it a lawless element, especially lawless children, who, by their depredation, might easily become a great pest. The farmer has had no means whatsoever of preventing such a subdivider from injuring the community.

Yesterday there was nothing to prevent locating a hot-dog stand, filling station, garage repair shop, a roadside inn, or even a speakeasy on the next plot. Any one of these things is liable to settle at any time among good old homes, completely spoiling their surroundings for residential use and utterly blocking any possible sale of nearby farm property for any decent development.

Yesterday there was nothing to prevent a man putting up a farmer's wayside stand or a billboard right out on the street line and up against his neighbor's nice front yard, thereby completely spoiling the neighbor's property. And yet even today despite the fact that that sort of thing is going on continuously to the despair of the neighbors, farmers have felt that they were helpless and that they must yield to the inevitable.

Now we know it is not true. Fortunately the farmer no longer has to put up with his neighbor's whims and selfishness. The law now gives him full protection against the harmful use of neighboring property. This protection is found in zoning.

Zoning, where properly worked out, need not harm the farmer in any way. At the same time it can give him a very real protection against the harmful use of neighboring property. Zoning can preserve a high-class neighborhood by preventing industry, warehousing, business, filling stations and public garages from invading a good farming residential district. It can keep the farming community a delightful place to live in by preventing any given house from being turned into a tenement.

Zoning can prevent a neighbor from locating anything that is a nuisance or is unhealthy, or distinctly unpleasant to his neighbors, within too short a distance of the lot lines. At the same time zoning must permit anything that anyone would normally want to have on the farm such as barns, chicken yards, outbuildings, loading platforms, and even wayside stands provided that they are all so located on the property that they will not harm the neighbors.

SPECIFICATIONS FOR WAYSIDE STANDS

Now that billboards are being excluded generally from residential and farming sections in the nearly 1,000 cities and towns already zoned in the United States, probably the hardest remaining problem to solve in farm zoning is what to do with the wayside stand. Obviously, the farmer's stand has come to stay. If properly conducted, it is a legitimate source of income and it provides a useful occupation for the women and children of the farmer's family. The question is how it can be so controlled that it can operate effectively and economically and at the same time not harm the neighbors.

To that end the following provisions governing farmers' wayside stands are recommended:

1. They should be allowed only on state and county highways. (There would rarely be enough business on a town road to warrant a stand.)

2. A stand should be allowed only on plots containing one acre or more. (This would be no hardship in the case of a real farm, but at least it would serve to prevent the location of wayside stands in front of any house in a subdivision.)

3. A wayside stand should be limited to the sale of agricultural products exclusively. (Farmers' stands should not be allowed to sell soft drinks, smoking materials or candy. If they are allowed to sell these things it immediately turns

the highway into a business district. In the average small town, where there are ample business districts to take care of growth, turning 12 or 15 miles of highways into business districts is far worse than no protection at all, for it would encourage a development of the highway roadsides that would be a disgrace to any community.)

4. The wayside stand should be served only by members of the family residing on the same plot. (This would keep it from becoming too commercial.)

5. The wayside stand should set back at least 10 feet from the front property line. (This would allow vehicles to drive in off the roadway, thereby making it nicer for the client and preventing the stopping vehicles from cluttering traffic.)

6. The wayside stand should be located at least 50 feet away from any neighboring lot line. (This is essential if the wayside stand is not to damage the neighbor.)

7. Advertising signs should be limited to two or three in number, and should not exceed some 12 square feet in size. (This prevents the signs from becoming too blatant, and if all have to observe the same rule it works no hardship on anyone.)

8. The outside of the wayside stand and its surroundings should be kept in order and no litter allowed to accumulate. (This is in the interest of health and fire danger.)

9. No automobile gas, oil, or garage service should be allowed in connection with the wayside stand. (This again is essential if the wayside stand is not to be confused with other business.)

Zoning would require the farmer, as a good citizen, to give up virtually nothing that he would normally want. On the other hand, it would give him a very real protection that he could not buy at any price.

THE DEMOCRATIC PARTY IN MAINE[1]

BY LANE W. LANCASTER
Wesleyan University

> "*Thirty-two state central committeemen, a few score town councillors, an occasional mayor, a sprinkling of rustic selectmen and assessors, and several thousand hereditary voters without a program and almost without a hope—such is the party of Jefferson in the Pine Tree State.*"

THE uncompromising Republicanism of the state of Maine is of interest to the student of politics if for no other reason but that he is amazed at the survival of any Democratic opposition at all. Almost uninterrupted possession of power for more than seventy years has put the majority party in possession of nearly all the patronage in the state so that there are left for the Democrats only the gnarled and puckering windfalls of the political Sugar Plum Tree. In spite of this unrelenting exclusion from the good things of public life a faithful remnant of Democrats still lingers on, and answering the "Why?" of the inquisitive observer is an interesting vacation sport. But to answer it requires some knowledge of Maine's history and the temper of her people.

PROHIBITION AND REPUBLICAN STRENGTH

The fall of the Democratic party to its present low estate is due to the persistence of several forces. The first of these is the state's prohibition policy. This policy dates from the so-called "Maine Law" sponsored by Neal Dow when he was mayor of Portland and adopted originally by the legislature in 1851. At that date the party struggle in Maine was between Whigs and Democrats, the Democrats usually winning. Prior to 1880 the governor and state officers were chosen annually. In twenty-seven of the thirty contests prior to 1851 the Democrats had secured control of the state government. In the 'fifties the Whigs in Maine suffered the same eclipse which overtook them elsewhere, and by 1856 the party had almost ceased to figure in the election returns, its place being taken by the newly organized Republicans who won their first state contest with the election of Hannibal Hamlin as governor. The Republicans were quick to make the cause of prohibition their own, and circumstances have made them the party of the "Drys" ever since. The Democrats have as consistently been in opposition to prohibition and on the occasions when victory seemed possible have vigorously urged a reopening of the question. Thus in 1855 a Democratic governor was chosen by the legislature (there being no popular majority) and the Maine Law repealed. The next election, however, was favorable to the Republicans and the law was reënacted. Democratic opposition to the dry law was largely instrumental in bringing about a political revolution. From 1855 until the present only four Democrats have been chosen governor, and of these only two received a majority vote of the people.

---

[1] For assistance in the preparation of this article the author is indebted to the Hon. Frank E. Morey, of Lewiston, former speaker of the Maine house of representatives and long a Democratic leader in the state.

At the present time prohibition cannot be said to be a live issue in any sense. By a constitutional amendment adopted in 1884 the question may be said to have been laid permanently at rest. Only once since that date has it been revived. At the state election in 1910 the Democrats were successful in gaining control of all branches of the state government and immediately resubmitted the amendment of 1884. Prohibition was retained by the narrow margin of 758 votes in a total poll of over 120,000. Due to the Progressive defection the Republicans lost the gubernatorial election of 1914, but the make-up of the legislature was not such as to make it possible to reopen the question. While the Democrats have continued to be aggressively wet, interest in the liquor question cannot be said to be great in the party as a whole. As a matter of fact the wet views of Governor Smith drove from the party, for the time being at least, many of its ablest leaders, including two former candidates for governor.[1]

WOMEN GO REPUBLICAN

There can be little doubt also that the coming of woman suffrage was the *coup de grâce* to Democratic hopes. For a number of years prior to 1920 the two leading parties were by no means unevenly matched, Republican pluralities in the state elections from 1906 to 1918 only once exceeding ten thousand. The change at the 1920 and succeeding elections has been startling. Republican majorities have been staggering, and a study of the election returns indicates that the new voters became Republican in far greater numbers than would have been expected on a priori grounds. There is no way of proving it, but keen observers in both parties unite in agreeing that the women have "gone Republican" to save prohibition. At all events there seems little doubt that the Women's Christian Temperance Union has been powerful out of all proportion to its rather small membership (5,000 members in 110 auxiliary unions), and its influence has been uniformly exerted in the Republican cause.

---

[1] The most talked-of defection was that of William R. Pattangall, familiarly known as "Pat," now a justice of the Supreme Judicial Court of Maine, but long an outstanding leader of the party and its candidate for governor in 1920 and 1924.

Another influence which is largely on the side of the dry Republican party is the Grange. Roughly 65 per cent of the population is rural, and the Patrons of Husbandry have maintained their organization in every section of the state. There are at present 455 subordinate granges with a total membership of 59,000. Habits of church-going are well fixed among the rural population, and the influence of the Methodist, Baptist and Congregational clergy is strong among them. It may not be without significance in this connection that the prohibition amendment to the state constitution specifically excepts cider from the ban upon alcoholic liquors. Among the *cognoscenti* much is said of the sovereign qualities of cider at haying time, and it is just possible that the ruling agricultural class is satisfied to have both its prohibition and its cider, however much the former blessing may irk the mill hand in the cities.

THE TARIFF

A second factor favoring Republican domination has been the protective tariff. Support for the Republican dogma is found in both the rural and urban portions of the population. In the cities the chief industries are in the protected fields of cotton, woolen, shoe and paper manufacturing. While the influence of the owners and managers of such industries is in some communities neutralized by the workers, it is, nevertheless, strong in the state at large, as is attested by the political honors bestowed upon business men. The case does not stand much differently in the rural sections of the state. In the prosperous Aroostook district, for example, and indeed in all those sections bordering upon the Dominion, Canadian competition with Maine farm products is a direct threat at the farmer's prosperity. The interest in protection which makes him a Republican in national affairs, also makes it very difficult to support Democrats even for local offices where the tariff is, of course, not an issue. In Aroostook County, which is heavily Republican, the only Democratic towns are found to be those in which the French-speaking element is strong. This element, for reasons that will be mentioned later, leans towards the Democracy.

Finally, since nothing succeeds like success, the Republican party has been more successful than their opponents in recruiting new voters. Long possession by the majority of the political power of the state has operated to close the doors of public life to all not members of the party. Not only is this true, but the uninterrupted success of the Republicans has resulted in concentrating the most able political leadership of the state in that party. Since the coming of woman suffrage the Democrats probably put forth their maximum strength in 1926 when the state ticket was beaten by 20,000. This compares with a normal Republican majority of about 40,000. It is probably correct to say that if both parties got every voter to the polls the irreducible Republican majority at present would be about 20,000.

DEMOCRATS STRONGEST AMONG FOREIGN-BORN

But the story of Democratic failure cannot be told entirely in terms of Republican success. There are affirmative reasons for the persistence of party loyalty. The main strength of the party is found in half a dozen cities of the state where the foreign element of the population is large. The foreign-born inhabitants constitute but 14 per cent of the total population of the state —slightly over 100,000 out of 768,000 according to the last census. More than half of these live in places called urban. Sixty-nine per cent of those of foreign birth are Canadians, and half of these are French-speaking. Since there has long been a movement of population from Quebec and eastern Canada into Maine the total number of this racial stock is considerably larger than the figures given above. The only other racial elements of appreciable size are the Irish and the English. Other groups are at present negligible, although there has been a tendency in recent years for southern and eastern Europeans to come into the state and take up the less desirable farm land.

For reasons which are not always clear, the Irish and the French-Canadians are Democrats. The most reasonable explanations of this fact seem to be two. In the first place, the great influx of these people came at a time when the Democratic party was fighting for its life and eager to welcome recruits. Clever Democratic leaders in the mill towns lost no time in adding the newcomers to their rolls. The Republicans, more securely in the saddle, seem to have missed their opportunity. It seems also true that the bulk of Canadian immigrants when at home were Liberals and found it easy to attach themselves to an American party in whose profession of faith they saw, or thought they saw, a resemblance to the principles of Canadian Liberalism. The patronage available in a few towns and cities and the tendency of party allegiance to become hereditary has kept this element in the party. The Irish, likewise, marshalled by adroit leaders of their own race, joined the party of the "common people" and have remained true to it. In recent years these two groups have undoubtedly been influenced in their party allegiance by the well-known attitude of their church on prohibition.

The party, however, is not entirely an urban one. Here and there, even in the rural towns of the state, may be found patriarchal adherents of Jeffersonian Democracy. These ancients have, in many a town and school district, valiantly led the losing fight against state control of local affairs, thus exemplifying the cardinal principle of the founder, and have saved a remnant from falling victim to the seductive call of Republican success. While these men are a fast-dwindling body they have without doubt been largely responsible for strengthening the hereditary allegiance to Democracy which is almost entirely responsible for the continued existence of the party in the rural parts of the state.

More mundane but substantial reasons why the party continues to do business are to be found in the control of a few urban communities. Lewiston, the second city of the state in population (31,791 in 1920), and Androscoggin County in which it is located, are regularly Democratic in local affairs, and the legislative delegation from that county is usually about half Democratic. A number of other cities are either normally Democratic or at least occasionally so. Among these may be mentioned Augusta and Waterville, which are narrowly Democratic about half the time; Bath, Belfast and Brunswick, where the party has a chance; Eastport, which is occasionally Democratic, and Biddeford, which is usually so. Outside Androscoggin County, however, rural government is almost universally controlled by the Republicans.

When it comes to the conduct of the business of the state the party is almost without influence. In the legislature the Democrats never have members enough to offer a real opposition with a distinctive program and point of view. The laws of the state make very little provision for minority representation on state boards and commissions and here, as elsewhere, the bounty of the dominant party is the payment for quiescence and of no advantage to the minority. There does not exist in the state a single Democratic newspaper, though an occasional independent journal (probably of the Mr. Dooley type of "indipindince") espouses for a time an issue supported by the Democrats. The sources of income to the party are extremely meager, its membership including few persons of substance and its campaign funds being collected in small amounts from the rank and file and from interested local leaders and officeholders. In spite of the zeal of some individual leaders, canvassing the state is surrounded with difficulties which could only be surmounted by the use of more "soft soap" than is ever available.

THE POWER ISSUE CUTS PARTY LINES

If there is little to fight for in the way of patronage there is even less occasion for a struggle over issues. Since the practical disappearance of prohibition as a real issue in state campaigns the matter of chief interest to the state has been the question of the export of water power. Such export is at present forbidden by the terms of the so-called Fernald law passed in 1909. Since that date agitation has continued, on the one hand for the retention of the law, and on the other for its modification. This has, however, not been a party question, although it is perhaps true that the Democrats have been a shade more opposed to export than the Republicans. At the 1929 session of the legislature the question was referred to the voters for decision in September of that year in the form of a law permitting the export of surplus power after the companies had made reasonable extensions of their service into the rural districts of the state. The proposed modification of the Fernald law was suggested out of deference to the Grange, and it is probably true that the official Democratic attitude against export in the 1928 state election was adopted with an eye on the voting strength of the organized farmers. On the whole, however, it is difficult to tell a Democrat from a Republican on this issue, and the law was defeated at the polls.

The absence of concrete issues, however, does not prevent the politics of the state from being interesting, not to say confused. Within recent years the party struggle has been complicated by such factors as the Ku Klux Klan, the demands of the Grange for the extension of electric power to the farms, the activities of the power lobby, and the crusading of the W. C. T. U. Most of the forces represented by these groups cut across party lines, and their existence accounts for the great seriousness with which the people of the state take their politics. If anything, however, the Republicans profit from the alarums and excursions in the current political scene. To this there is possibly one exception, and in it lies the one pale hope of the Democracy. The Ku Klux Klan is recruited almost entirely from the Republican ranks and therefore is a disturbing element in the majority party. So far as it now has a political leader it is in the person of ex-Governor Ralph O. Brewster. Brewster was the unsuccessful candidate in the Republican primary of 1928 for the nomination for the United States Senate.

Though badly beaten by Senator Frederick Hale, leader of the Republican organization in the state, Brewster is by no means out of politics and is already campaigning for the nomination for the seat now held by Senator Gould, whose retirement is expected following his recent pleasurable though (politically) dangerous experiments with unfermented though fermentable grape juice. The former governor had a creditable administration, is a ready and effective speaker, and an adroit manager, and may be in a position to cause the Hale machine trouble. Since the latter organization has plans for the senatorship which do not cast Brewster for the leading rôle, there are some who predict that the 1930 primaries may be the prelude to a split in the Republican party. Out of such an embarrassment of the enemy the Democrats might snatch a momentary advantage. Undoubtedly a few dream of such a consummation. But with most of the cash and nearly all the cleverness on the side of the machine, the observer is inclined to regard this as highly improbable. Thirty-two state central committeemen, a few score town councillors, an occasional mayor, a sprinkling of rustic selectmen and assessors, and several thousand hereditary voters without a program and almost without a hope—such is the party of Jefferson in the Pine Tree State.

PITTSBURGH REËLECTS MAYOR KLINE

BY RALPH S. BOOTS
University of Pittsburgh

On November 5 Pittsburgh reëlected its present mayor for a second four-year term. The real fight was in the Republican primary, with Candidate Richard K. Martin as the protagonist of the reform element. Grand-jury revelations of vice and corruption under the Kline administration and charges of election fraud featured the primary campaign. :: :: :: :: :: :: :: :: ::

IN 1925 the Pittsburgh Republican organization took Charles H. Kline from the common pleas bench and made him mayor. In the election campaign he expressed some reform ideas and talked about making the city a model of civic purity.

Since Kline's election things have gone more or less awry. A professional crime investigator acting for the Citizens' League, which was in turn fostered by the Ministerial Association, exposed alleged gambling joints and speakeasies as a hunting dog flushes birds in a good game country. Later a federal grand jury indicted nearly two hundred persons under the liquor law and uncovered a supposed bootleg ring. The slot-machine "king" served a short federal sentence and wandered off to Canada. One of the mayor's police magistrates was convicted under the income-tax law. The *Post* estimated graft values at perhaps $5,000,000 a year. More recently the *Post-Gazette* counted the sixty-ninth gang murder within four years. Signs of public uneasiness and resentment began to appear.

On May 11, without awaiting the powwowing of party leaders, James F. Malone, president of the council, announced his candidacy for the Republican nomination for mayor to succeed Kline. The latter followed on June 29 without, however, having been accepted by the "big three"—County Chairman Joseph Armstrong (county commissioner), Max Leslie (state senator), and W. L. Mellon (former state chairman).

With both Malone and Kline in the running, there seemed to be a good opportunity for an independent candidate. So at the request of the betterment groups Judge Richard K. Martin, appointed to the court of common pleas by Governor Pinchot and one of the three judges to break the organization slate of nine in 1927, announced his candidacy for the nomination on July 16.

Councilman Malone had already denounced the Kline administration unmercifully: "Organized vice runs rampant. . . . No man with any trace of frankness will deny that Pittsburgh is infected with the cancer of racketeering." Malone attacked especially the police department and promised continuous law enforcement, promotion on merit, and honest civil service administration. Judge Martin seconded this criticism, but added that both of his opponents were only factional leaders of the old gang and that the pot was calling the kettle black. The Fort Pitt Lodge of the Fraternal Order of Police denied Malone's charges, pointing out that he had not discovered the terrible conditions until after he had become a candidate, that Martin had made the same attack upon the county detective force when he was running for the district attorney nomination in 1923, and that two grand juries had indicted only eighteen members of the force.

THE "BIG THREE" DIVIDED

The "big three" of the county Republican organization conferred. Secretary of the Treasury Andrew W. Mellon, in town for a brief visit, spent some time with his nephew before one of the conferences. No action was taken; at any rate, none was made public. Harmony had disappeared. Later, W. L. Mellon announced his neutrality. Max Leslie supported Malone; and Armstrong supported Kline: "I'll be for Charlie, and . . . every boy and girl working for me." Armstrong and Leslie had apparently coöperated for years. It is rumored that Armstrong's determination to bring out James J. Davis for the state governorship next year alienated Leslie.

Both Kline and Malone tried to appear "regular." The chairman of Kline's campaign committee, incidentally head of the city civil service commission, claimed twenty-four ward chairmen, twenty-one vice-chairmen (there are thirty-one wards in the city), and 95 per cent of the organization forces for Kline. In answer to the assertions that the people on the city pay roll were for him, the mayor, who had earned the sobriquet "Bread and Butter Charlie," replied: "I hope so. I have been a fellow employee of the city. I am pleased to be thought well of by my fellows in the service and to know that they wish me to continue as their leader."

Judge James C. Gray, in supporting Martin, asserted that for a generation the "municipal administrations forced upon us have prostrated themselves to factional and personal political purposes. The first aim of a mayor has been to build a personal political machine."

Both Kline and Malone accused Martin of hypocrisy in assuming the virtue of "independence." Especially did the latter maintain that Martin had sought and obtained the support of machine politicians in his previous campaigns for public office. Kline's camp insisted that Martin, sitting three times in criminal court since his election to the bench, could have ordered a grand jury investigation of the city administration, and should have done so if conditions had been as he now described them.

THE CAMPAIGN ARGUMENTS—FRAUD CHARGES

While the subject matter of the campaign was confined to legitimate municipal affairs, no candidate advanced very far if at all into the field of the concrete, or indeed the fundamental. Kline stood for the advancement of Pittsburgh's prosperity, the acquisition of new industries, and a "readjustment of revenue" to relieve real estate. Martin's campaign was mainly negative, as was perhaps his strongest course. He condemned the recent increase in the tax rate, and attributed the defeat of the metropolitan charter to distrust of Pittsburgh's political leadership, "resting upon protected crime, election frauds, and high taxation." Malone promised to "stabilize" expenditures, secure full value for city outlay, adhere strictly to a budget system, introduce sound business principles, and promote playgrounds and recreation.

Just as the battle was warming up nicely, came the explosion of assessment and registration frauds. The Election Reform Committee of the Bar Association demanded and secured a grand jury investigation. A detective employed by Malone alleged that hundreds had registered from vacant lots, parking areas, and unoccupied houses. Just before the assessment period closed on September 4, from twenty to twenty-five thousand voters were added to the assessment lists from sheets bearing the names or initials of Kline lieutenants. The tax board said it was customary at such a time to accept the names brought in without the requirement of certificates. Whereupon the collector of delinquent taxes reported that he had refused tax receipts to nearly five thousand persons whose names had been recorded in three assessment books at the solicitation of Malone's campaign chairman, the county register of wills. The names had apparently been recorded by an employee of the county commissioners' office who seems to have had no authority to make assessments at all and who, the assessor of delinquent taxes maintained, was away from the office when the names were recorded. Malone's chairman tried to secure court action on the ground that these persons were refused assessment because they were unfriendly towards Kline. Investigation seemed to show that the persons whose names were on these books were at least bona fide residents.

The court, upon a petition filed by the Bar Association, stated that it had no jurisdiction over the registration commission or the election boards, but ruled that assessments in the twenty-six contested books were null and void. But the registration commission could strike names off only after a hearing, and a purging of registration lists would require weeks or months. The court finally decided that if a registered voter was challenged before an election board, and it was shown that a tax receipt based on the illegal books had been used by him, then the election board could refuse a ballot. The county commissioners dutifully appropriated $10,000 and later $15,000 more to investigate the fraudulent assessments and correct the lists. Then the chairman of the board sent a letter to the election officers warning them against efforts by unauthorized persons to prevent registered voters from receiving ballots.

THE PRIMARY RESULTS

At the primary Kline received 72,000 votes, Martin 48,000, and Malone 47,000; carrying twenty-one, eight, and two wards, respectively. It seems almost certain that if Martin had not run, Malone would have been elected, although it is doubtful whether Martin could have defeated Kline alone. As it turned out, however, the split was one of the independent vote rather than of the organization vote. Malone declared that a vote for Martin was a vote for Kline. It was asserted by leaders in Malone's following that friends of the Kline administration were active in inducing friends of Judge Martin to urge him to make the race. This, of course, could be true without involving Martin in any double-dealing.

There was practically no disorder in the primary although the ballots were stolen from one polling place.

There was some talk of an independent candidate for mayor in the election, but it amounted to nothing. Malone supported Kline, although he had said, "I wouldn't be mixed up with the last administration for a dozen mayor's jobs."

The grand jury has handed down a presentment of about the strength of weak dishwater which may be briefly summarized thus: There isn't much wrong after all. Nobody has violated the law much. Four members of the tax board are concerned only with drawing their salaries. Fraud was disclosed in the issuance of tax receipts.

Many of the five hundred witnesses examined withheld information and attempted to evade the truth. The law should be amended and obeyed.

The Bar Association Committee will press for another grand jury.

THE ELECTION

Thomas A. Dunn, business man and former president of the chamber of commerce, was the unopposed Democratic candidate for the nomination. He ran also on the Good Government ticket, apparently to attract Republican voters whose party loyalty might interfere with their marking a ballot for a Democrat. He conducted a dignified and vigorous campaign, but failed to strike the imagination of the electorate. Those who disliked the Republican nominee seemed disposed not to vote at all rather than to vote for Mr. Dunn. Probably a sickly hope was a large factor here, and doubtless reasonably so, but it nevertheless rendered the success of the organization all the more assured. Dunn predicted that if 160,000 votes were cast, he would be elected.

The campaign speeches of Mayor Kline ran largely along the following lines: "Whatever others may tell you, the simple issue will be to decide whether they prefer the Democratic or Republican party. . . . Is it honest for the Democratic candidate to plead with Republican voters to violate the oath which they took on registration day, when they raised their hands to God and declared, 'I am a Republican?"

On November 5, Kline received approximately 80,000 votes and Dunn 40,000. Their combined vote fell about 47,000 short of the number cast in the Republican primary.

The registration commission had eliminated about 1,500 names from the register by election day, and found a liberal sprinkling of apparently fictitious names in the controlled wards, the phantom possessors of which had cast ballots at the primary. Most of the persons adjudged illegally registered by the court presumably voted in the general election.

COMPARATIVE TAX RATES OF 235 CITIES, 1929

BY C. E. RIGHTOR

Detroit Bureau of Governmental Research

HERE is presented in condensed form a statement of the tax rates upon property as levied in 1929, for all cities over 30,000 population in the United States and Canada so far as available. This is the seventh tabulation of its kind, the form of presentation being unchanged from that of recent years, with which the readers of the REVIEW are already acquainted.

The objective of the compilation is primarily a single one—to indicate the total tax rate per $1,000 on assessed property. In presenting this index, however, it is obvious that certain other pertinent data must be presented for each city, which can be presented here only in summary form. Further, comparison with the tabulations of preceding years makes possible conclusions as to the trend of taxes.

For those who wish the minutiæ, reference must be had to such publications as "Financial Statistics of Cities," compiled annually by the Bureau of the Census. It may be added that the number of annual reports of cities making available intelligible information relative to finances and taxation is growing with the higher caliber of public officials assuming the direction of fiscal affairs.

The cities are listed in the order of population by the five census groups, and then the Canadian cities also in order of population. The population estimates of the Census Bureau as at July 1, 1928, are used, the Bureau not having issued its estimates for 1929; in the few cases where official estimates are not available, local estimates are accepted. It is, of course, obvious that these estimates do not cover unusual conditions such as the temporary population of a resort city like Atlantic City, or the added population by reason of recent annexations, as reported for some cities. For this reason per capita comparisons may be made fairly only when specific information respecting each city is had.

The total assessed valuation is next reported, with the respective percentages of realty and personalty. The tax rates are reported separately by purposes, and total.

At first blush it would seem a simple matter to report the total of all tax rates, expressed in dollars and cents per $1,000 of assessed valuation, levied upon each parcel of property in any city. The fact is, however, that numerous circumstances enter to make the problem a complicated one. A tax rate is the resultant of a tax budget and an assessed valuation; an inclusive tax rate is the resultant of several budgets and one or more valuations. It is found that the number of taxing units varies widely, and sometimes the basis of assessment for each is independently fixed; properties in a single city may pay at varying rates; the rate is not separated by purposes, but is instead a levy in gross amount after all credits are deducted from the budget total, etc.

These different principles and practices limit the value of the figures and their use for comparative purposes. So far as possible, the data are adjusted to facilitate comparisons, but in many instances reference to the footnotes is essential for a clearer picture.

The total rate and its division by purposes ignores the varying practice relative to uniformity in basis of assessment. The legal basis of assessment in all states is not invariably 100 per cent of true or market value, however, and so it becomes necessary to adjust the total rate to a uniform 100 per cent basis for all cities, in order that a comparison between cities may be made. This is done in the column "Adjusted tax rate."

Analysis of the uniform 100 per cent tax rate column—"Adjusted tax rate"—discloses a range in the total rate from $80.14 per $1,000 assessed valuation for Tacoma to $14.14 for Lancaster. For the Canadian cities the range is from $41.00 for Victoria to $23.96 for Montreal. This column shows an average of the rate for all cities of $33.45. The average rate for 237 cities reported in 1928 was $33.39. This indicates a gradually increasing burden upon property for tax purposes, and merely continues the trend which these tabulations have indicated for the past several years.

Of thirteen cities in Group I, comparable 1929 with 1928, for example, it is found that seven increased their tax rate, for an average of $1.06 per $1,000; five cities decreased, for an average of 37 cents; and one city had no change in rate. Of ten cities in Group II, three cities increased, for an average of 64 cents; four decreased, averaging 94 cents; and three reported no change.

For fourteen Canadian cities, similarly comparable, five increased, for an average of $3.66; eight decreased, averaging $1.00; and one city reported no change.

It is generally recognized that the legal basis of assessment—predominantly 100 per cent of true or market value—cannot be realized in actual practice by assessing officials. When it is desired to compare the actual tax burden—as opposed merely to the tax rate—in these cities, therefore, it is necessary to revise the tax rate reported upon a uniform basis according to the local assessing practice. This readjustment is reported in the last column, and of course is based merely upon the best estimate which can be made. In some cities, as stated last year, the ratio of assessed to true valuation has been carefully worked out through scientific reappraisal studies.

The range in rates upon such readjusted basis is found to be from $40.07 for Tacoma to $12.02 for Lancaster. For the Canadian cities, similarly, the range is from $33.50 for Hamilton to $17.97 for Montreal. The average for all cities is $24.03. This compares with $24.07, the average of the cities in 1928. Thus, indications are that the relative tax burden is tending to decrease, or at least remain stationary, even though the average rate was slightly higher.

The trend of the readjusted tax rate, for thirteen cities in Group I, comparable this year with last, is indicated by the fact that seven reported an increase in the rate, five a reduction, and one city, no change. For Group II, three cities increased, five decreased, and two had no rate change. Of fourteen Canadian cities, four reported an advance in total readjusted rate, nine, a reduction, and one no change.

Until cities generally give more attention to the problem of determining the ratio of assessed to true value, exact information relative to the tax burden will remain a mystery. The tax rate alone is not an acceptable gauge. There is hope in this field, however, and instances are multiplying as evidence that light is being sought.

The latest available report of the Census Bureau, "Financial Statistics of Cities: 1926," presents detailed data for 250 cities. For 146 cities for which comparative data since 1903 are available, it is found that the general property tax constituted, in 1903, 61.4 per cent of all net revenue receipts, and that this has increased, in 1926, to 65.7 per cent. Additional sources, in 1926, included other taxes, 5.8 per cent, and special assessments, 7.2 per cent. These figures, together with the increase in taxes, account for the nation-wide interest being manifested in the subject of property taxation, and a desire to compare the burden in various cities.

Indicative of that interest is the activity of the Chamber of Commerce of the United States, which, through its finance department, is suggesting to its local member chambers throughout the country the value of business participating in government. This directional work includes the publication, during the past eighteen months, of an invaluable series of reports relating to local and state fiscal, taxation and budget problems. In its monthly publication, "The Public Dollar," special mention is made of local developments in tax inquiries and economies. Further, through subcommittees, study is being given to best practices in financial administration.

Another evidence is the number of official and non-official commissions in various states which are undertaking extensive inquiries into the subject of state and local taxation—notably, Arkansas, Ohio, New Mexico, Massachusetts, and Michigan, to name only a few. It seems probable that before these inquiries are successfully concluded, the sound recommendations of the able committee of the National Tax Association, promulgated ten years ago, must come to be more universally applied. These recommendations, it will be recalled, were for a sensible combination of a personal income tax, a tangible property tax, and a business tax.

It would seem that, to measure the burden of taxation in our cities, a knowledge is needed of the relation between taxation and the production of wealth in each city. The Citizens' Research Institute of Canada recently reported, for that dominion, that net production from all Canadian sources was increasing faster than taxation for all purposes—"The proportion of net production which taxation consumes has decreased yearly since 1922 and now stands at 17.26 per cent compared with 20 per cent in the former year. This decreasing ratio is an important factor in Canada's economic progress." This report discloses also that provincial taxation is increasing more rapidly than dominion and municipal levies. Such facts deserve earnest consideration.

Requests were sent to 286 cities in the United States and 18 cities in Canada. The voluntary coöperation of those who made the tabulation possible through replying to the questionnaire will be appreciated by all readers. It may be assumed that there will be much interest in a similar compilation when the 1930 census figures are available.

COMPARATIVE TAX RATES OF 235 CITIES OVER 30,000 FOR 1929

Compiled by the Detroit Bureau of Governmental Research, Inc.

From Data Furnished by Members of Governmental Research Association, City Officials, and Chambers of Commerce

	Census July 1, 1928	Assessed valuation	Per cent		City fiscal year begins	Date of collection of city tax	Tax rate per $1,000 of assessed valuation					Legal basis of assessment (per cent)	Adjusted tax rate to uniform 100% basis of assessment	Estimated ratio of assessed value to legal basis (per cent)	Final readjusted tax rate
			Realty	Personalty			City	School	County	State	Total				
Group I Population 500,000 and over															
1. New York, N. Y.[1]	6,017,500	$17,445,731,435	98	2	Jan. 1	May 1 Nov. 1	$20.34	$ 4.70	$....	$ .46*	$25.50	100	$25.50	91	$23.21
2. Chicago, Ill.[2]	3,157,400	4,250,437,799	81	19	Jan. 1	Jan. 2	25.00	15.20	5.30	3.00	48.50	100	48.50	40	19.40
3. Philadelphia, Pa.[3]	2,064,200	4,664,263,590	73	27	Jan. 1	Jan. 25	19.85	9.00	....	....	28.85	100	28.85	90	25.97
4. Detroit, Mich.	1,378,900	3,681,781,130	82	18	July 1	July 15 Dec. 1	14.35	6.30	3.55	2.25	26.45	100	26.45	80	21.16
5. Los Angeles, Calif.[4]	1,330,000	1,876,277,195	96	4	July 1	Dec. 1 Apr. 1	17.70	16.10	8.80	....	42.60	100	42.60	50	21.30
6. Cleveland, Ohio[5]	1,010,300	1,995,627,250	68	32	Jan. 1	Jan. 1 July 1	10.69	10.64	3.72	.25	25.30	100	25.30	100	25.30
7. St. Louis, Mo.	848,100	1,255,335,000	85	15	Apr. 10	Nov. 1	16.20	8.60	....	1.40	26.20	100	26.20	70	18.34
8. Baltimore, Md.[6]	830,400	2,041,283,328	57	43	Jan. 1	Jan. 1	18.27	5.53	....	2.57	26.37	100	26.37	85	22.42
9. Boston, Mass.	799,200	1,953,231,000	92	8	Jan. 1	Sept. 1	15.54	8.66	1.80	2.00	28.00	100	28.00	90	25.20
10. Pittsburgh, Pa.[7]	673,800	1,132,000,000	100	..	Jan. 1	Jan. 1	18.83	11.50	7.38	....	37.71	100	37.71	85	32.05
11. San Francisco, Calif.[8]	585,300	1,196,384,989	68	32	July 1	Oct. 21 Jan. 13	28.94	10.46	....	....	39.40	100	39.40	38	15.00
12. Buffalo, N. Y.	555,800	1,085,722,230	99	1	July 1	July 1 Dec. 1	18.56	10.84	4.09	.72	34.21	100	34.21	78	26.64
13. Washington, D. C.[9]	552,000	1,241,597,285	91	9	July 1	Sept. 1 Mar. 1	11.00	6.00*	....	....	17.00	100	17.00	90	15.30
14. Milwaukee, Wis.	544,200	944,157,658	84	16	Jan. 1	Dec. 15	14.43	11.62	5.33	.58	31.96	100	31.96	75	23.97
Group II Population 300,000 to 500,000															
15. Newark, N. J.	473,600	909,841,743	78	22	Jan. 1	June 1 Dec. 1	19.33	8.74	5.64	4.29	38.00	100	38.00	100	38.00
16. Minneapolis, Minn.[10]	455,900	322,640,406	85	15	Jan. 1	Jan. 1 June 1	39.70	21.85	7.35	5.29	74.19	38	28.20	90	25.38
17. New Orleans, La.	429,400	(not reporting)													
18. Cincinnati, Ohio	413,700	1,086,622,460	72	28	Jan. 1	Dec. 1 June 1	9.40	7.59	4.36	.25	21.60	100	21.60	90	19.44
19. Kansas City, Mo.[11]	391,000	488,298,890	73	17	May 1	June 1	13.00	11.50	5.10	1.30	30.90	100	30.90	55	17.10
20. Seattle, Wash.[12]	383,200	297,355,154	79	21	Jan. 1	Mar. 1	38.57	13.75	13.20	10.50	76.02	50	38.01	48	18.23
21. Indianapolis, Ind.	382,100	672,689,970	66	34	Jan. 1	Jan. 1 July 1	11.95	9.60	3.15	2.30	27.00	100	27.00	80	21.60
22. Portland, Ore.[13]	340,000	342,202,000	87	13	Dec. 1	May 5 Nov. 5	22.05	17.18	5.17	5.60	50.00	100	50.00	54	27.00

23. Louisville, Ky.[14]	329,400	$447,699,850	80	20	Sept. 1	Jan. 20	$15.70	$6.30	$3.20*	$4.20*	$29.40*	100	$29.40	80	$23.52
24. Rochester, N. Y.[15]	328,200	637,290,600	100	..	Jan. 1	Jan. 1 July 1	14.05	11.67	6.47	....	32.19	100	32.19	76	24.40
25. Jersey City, N. J.	324,700	(not reporting)													
26. Toledo, Ohio	313,200	593,063,020	71	29	Jan. 1	June Dec.	11.77	9.08	4.90	.25	26.00	100	26.00	80	20.80
Group III Population 100,000 to 300,000															
27. Columbus, Ohio	299,000	601,748,840	77	23	Jan. 1	Dec. 20 June 20	8.48	9.05	4.02	.25	21.80	100	21.80	75	16.35
28. Denver, Colo.[16]	294,200	448,014,345	70	30	Jan. 1	Jan. 1	10.42	13.95	4.27	3.56	32.20	100	32.20	80	25.76
29. Providence, R. I.[17]	286,300	659,525,312	61	39	Oct. 1	Oct. 1	16.71	6.73	....	.06	23.50	100	23.50	100	23.50
30. Oakland, Calif.[18]	274,100	270,094,991	87	13	July 1	Sept. 1	25.50	23.35	10.75	....	59.60	50	29.80	100	29.80
31. St. Paul, Minn.[11]	260,000	182,752,027	82	18	Jan. 1	Jan. 1	34.26	16.84	15.24	5.29	71.63	38	27.22	80	21.80
32. Atlanta, Ga.	255,100	398,000,000	75	25	Jan. 1	May July Sept.	8.40	6.60*	11.00	5.00	31.00	100	31.00	70	21.70
33. Akron, Ohio	255,000	401,539,460	70	30	Jan. 1	Dec. 20 June 20	11.15	11.40	4.00	.25	26.80	100	26.80	70	18.76
34. Omaha, Nebr.	222,800	354,987,096	71	29	Jan. 1	May 1	12.35	13.00	4.20	2.40	31.95	100	31.95	60	19.17
35. Birmingham, Ala.	222,400	232,130,915	81	19	Sept. 1	Oct. 1	11.50	6.50	11.50	6.50	36.00	60	21.60	70	15.12
36. San Antonio, Texas	218,100	230,352,680	75	25	June 1	Apr. 1	19.70	8.10	7.70	6.80	42.30	100	42.30	75	31.72
37. Dallas, Texas	217,800	(not reporting)													
38. Syracuse, N. Y.	199,300	(not reporting)													
39. Worcester, Mass.	197,600	341,509,350	89	11	Dec. 1	Oct. 10	19.45	6.72*	1.20	1.03	28.40	100	28.40	85	24.15
40. Richmond, Va.[19]	194,400	262,536,680*	93	7	Feb. 1	June 1 Nov. 1	16.00	7.50	....	....	23.50	100	23.50	67	15.65
41. Memphis, Tenn.	190,200	264,382,134	88	12	Jan. 1	July 1	16.00	6.50	9.80	2.00	34.30	100	34.30	67	22.85
42. New Haven, Conn.	187,900	331,357,682	87	13	Jan. 1	Mar. 1 Sept. 1	13.00	10.00	.33	.67	24.00	100	24.00	100	24.00
43. Dayton, Ohio[20]	184,500	347,277,780	76	24	Jan. 1	Dec. 1 June 1	10.18	10.56	3.41	.25	24.40	100	24.40	75	18.30
44. Norfolk, Va.	184,200	177,296,007	91	9	Jan. 1	July 1 Nov. 1	19.40	9.70*	....	....	29.10	100	29.10	57	16.60
45. Youngstown, Ohio	174,200	369,699,130	65	35	Jan. 1	Feb. 15 Aug. 15	7.23	12.65	2.80	.25	22.93	100	22.93	80	18.34
46. Hartford, Conn.	172,300	362,657,016	88	12	Apr. 1	July 1	11.86	11.74	.31	.71	24.62	100	24.62	80	19.70
47. Houston, Texas	171,000	(not reporting)													
48. Fort Worth, Texas	170,600	172,473,111	75	25	Oct. 1	Oct. 1	16.60	10.00	9.00	6.80	42.40	100	42.40	55	23.35
49. Tulsa, Okla.	170,500	136,936,678	85	15	July 1	Jan. 1	20.50	18.90	8.30	1.50	49.20	100	49.20	50	24.60
50. Grand Rapids, Mich.	164,200	273,632,046	75	25	Apr. 1	July 1	14.39	13.21	3.29	2.81	33.64	100	33.64	80	27.00
51. Bridgeport, Conn.	160,000	264,289,000	80	20	Apr. 1	Apr. 1 Sept. 1	18.79	8.90*	.27	.84	28.80	100	28.80	80	23.04
52. Miami, Fla.[21]	156,700	296,011,940	97	3	July 1	Nov. 1	11.60	8.00	15.40	5.70	40.70	50	20.35	100	20.35
53. Des Moines, Iowa[22]	151,900	186,892,000	85	15	Apr. 1	Mar. 1 Sept. 1	14.91	15.71	6.55	2.25	39.42	100	39.42	75	29.60
54. Springfield, Mass.	149,800	(not reporting)													
55. Flint, Mich.	148,800	204,068,350	79	21	Mar. 1	July 1 Dec. 1	14.85	16.30	5.98	3.37	40.50	100	40.50	70	28.35
56. Oklahoma City, Okla.	148,000	139,250,370	85	15	July 1	Jan. 1	18.56	19.24	6.92	3.50	48.22	100	48.22	45	21.70
57. Paterson, N. J.	144,900	(not reporting)													
58. Scranton, Pa.[7]	144,700	126,754,730	100	..	Jan. 1	Jan. 1	17.30	19.00	10.50	....	46.80	100	46.80	50	23.40
59. Jacksonville, Fla.	140,700	(not reporting)													
60. Nashville, Tenn.	139,600	174,612,000	75	25	Jan. 1	Aug. 1	18.50	3.50	9.50	2.00	33.50	100	33.50	75	25.15

COMPARATIVE TAX RATES OF 235 CITIES OVER 30,000 FOR 1929—*Continued*

	Census July 1, 1928	Assessed valuation	Per cent		City fiscal year begins	Date of collection of city tax	Tax rate per $1,000 of assessed valuation					Legal basis of assessment (per cent)	Adjusted tax rate to uniform 100% basis of assessment	Estimated ratio of assessed value to legal basis (per cent)	Final readjusted tax rate
			Realty	Personalty			City	School	County	State	Total				
61. Trenton, N. J.	139,000	(not reporting)													
62. Salt Lake City, Utah	138,000	(not reporting)													
63. Camden, N. J.	135,400	$212,703,684	86	14	Jan. 1	June 1 Dec. 1	$14.21	$7.97	$5.31	$4.31	$31.80	100	$31.80	70	$22.26
64. Erie, Pa.	130,000	148,147,877	100	..	Jan. 1	Mar. 1	13.20	14.00	7.00	....	34.20	100	34.20	70	23.94
65. Wilmington, Del.[23]	128,500	147,235,425	100	..	July 1	July 1	15.80	2.20	8.00	....	26.00	100	26.00	85	22.10
66. Cambridge, Mass.	125,800	188,456,300	89	11	Apr. 1	Oct. 15	23.20	7.56	1.03	.91	32.70	100	32.70	100	32.70
67. Fall River, Mass.[24]	124,300	156,347,000	74	26	Jan. 1	Oct. 1	21.06	13.32*	1.21	1.21	36.80	100	36.80	90	33.12
68. Yonkers, N. Y.	121,300	328,828,530	99	1	Jan. 1	Jan. 1	14.75	10.03	4.28	.59	29.65	100	29.65	87	25.80
69. Albany, N. Y.[15]	120,400	227,983,110	100	..	Jan. 1	Jan. 1	21.30	5.40*	5.30	....	32.00	100	32.00	68	21.80
70. San Diego, Calif.	119,700	165,358,972	92	8	July 1	Oct. 20 Apr. 20	22.70	18.20	10.60	....	51.50	100	51.50	40	20.60
71. New Bedford, Mass.	119,040	187,653,250	75	25	Dec. 1	Oct. 1	21.17	6.97	.96	.90	30.00	100	30.00	85	25.50
72. Kansas City, Kan.[25]	118,300	137,988,009	81	19	Jan. 1	Nov. 1	12.70	16.00	4.50	2.10	35.30	100	35.30	60	21.18
73. El Paso, Texas	117,800	103,847,400	80	20	Mar. 1	Jan. 1	11.50	8.50	10.00	6.40	36.40	100	36.40	70	25.50
74. Duluth, Minn.[10]	116,800	80,839,171	75	25*	Jan. 1	Jan. 1	27.81	32.34	12.16	....	77.60	38	29.50	80	23.60
75. Canton, Ohio	116,800	229,982,820	67	33	July 1	June 20 Dec. 20	7.73	10.25	3.27	.25	21.50	100	21.50	100	21.50
76. Elizabeth, N. J.	116,000	163,300,568	88	12	Jan. 1	June 1 Dec. 1	13.23	9.33	5.94	4.30	32.80	100	32.80	100	32.80
77. Reading, Pa.	115,400	168,500,000	100	..	Jan. 1	Mar. 1	10.00	12.00	4.00	....	26.00	100	26.00	60	15.60
78. Tampa, Fla.	113,400	270,861,012	89	11	June 1	Oct.	17.47	5.00	5.80	2.85	31.12	100	31.12	50	15.56
79. Lowell, Mass.[26]	111,000	130,226,530	86	14	Jan. 1	Oct. 15	26.97	....	1.39	1.24	29.60	100	29.60	100	29.60
80. Tacoma, Wash.[27]	110,500	67,471,078	76	24	Jan. 1	Mar. 15	30.99	14.50	23.31	11.34	80.14	100	80.14	50	40.07
81. Spokane, Wash.	109,100	86,622,459	75	25	Jan. 1	Feb.	21.75	14.40	12.44	11.41	60.00	50	30.00	86	25.80
82. Long Beach, Calif.	108,000	200,361,578	83	17	July 1	Oct. Jan.	16.00	18.30	8.80	....	43.10	100	43.10	50	21.55
83. Lynn, Mass.	105,500	137,626,705	88	12	Jan. 1	Nov. 1	15.07	9.22	1.84	2.07	28.20	100	28.20	100	28.20
84. Knoxville, Tenn.	105,400	155,000,000	89	11	Oct. 1	July 10	17.00	4.00	9.60	2.00	32.60	100	32.60	80	26.10
85. Fort Wayne, Ind.	105,300	224,023,390	70	30	Jan. 1	May Nov.	7.72	8.46	4.51	2.30	22.40	100	22.40	70	15.70
86. Utica, N. Y.	104,200	136,225,000	99	1	Jan. 1	Aug. 12	19.88	9.49	6.63	.84	36.84	100	36.84	65	23.95
87. Somerville, Mass.	102,700	118,840,900	95	5	Jan. 1	Oct. 15	16.53	8.11	1.10	2.36	28.10	100	28.10	80	22.50
88. Waterbury, Conn.	100,000	(not reporting)													
Group IV Population 50,000 to 100,000															
89. Savannah, Ga.	99,900	78,300,000	75	25	Jan. 1	Apr. July Oct.	23.00	10.00	12.50	5.00	50.50	100	50.50	70	35.35
90. Hamtramck, Mich.	99,800	119,898,520	31	69	July 1	July 15	11.60	9.50	3.39	2.26	26.75	100	26.75	100	26.75
91. Allentown, Pa.	99,400	93,954,760	100	..	Jan. 1	Mar. 1	12.40	15.00	4.00	....	31.40	100	31.40	50	15.70
92. Wichita, Kan.	99,300	138,759,226	76	24*	Oct. 15	Nov. June	10.83	17.00	5.04	4.03	36.90	100	36.90	66	24.40
93. Evansville, Ind.	98,100	139,444,640	70	30	Jan. 1	May Nov.	14.30	10.50	4.10	2.90	31.80	100	31.80	100	31.80

94. Bayonne, N. J.	95,300	$164,994,138	78	22	Jan. 1	April 1	$18.70	$10.07	$7.04	$4.23	$40.04	100	$40.04	67	$27.00
95. Lawrence, Mass.	93,500	125,236,575	75	25	Jan. 1	Oct. 1	13.91	9.26	1.93	1.30	26.40	100	26.40	100	26.40
96. Schenectady, N. Y.	93,300	196,278,252	100	..	Jan. 1	Jan. 1 July 1	13.06	9.75	2.98	.92	26.71	100	26.71	95	25.40
97. Wilkes-Barre, Pa.	91,900	112,836,116	95	5	Jan.	Mar. 1	17.00	16.00	8.90	....	41.90	100	41.90	65	27.20
98. Gary, Ind.	89,100	169,237,265	66	34	Jan. 1	May Nov.	12.30	15.00	4.60	2.30	34.20	100	34.20	90	30.78
99. Harrisburg, Pa.	86,900	(not reporting)													
100. Highland Park, Mich.	86,400	135,591,200	74	26	July 1	July 15	11.12	11.40	2.83	2.25	27.60	100	27.60	80	22.08
101. South Bend, Ind.	86,100	(not reporting)													
102. Manchester, N. H.	85,700	113,819,151	68	32	Apr. 1	Apr. 1	13.30	7.17	2.25	2.75	25.50	100	25.50	100	25.50
103. Peoria, Ill.[28]	84,500	92,497,573	80	20	Jan. 1	Jan. 1	19.90	13.75	4.13	3.00	40.07	100	40.07	40	16.03
104. Rockford, Ill.	82,800	96,055,000	72	28	Jan. 1	Mar. 15	17.30	13.80	4.80	3.00	38.90	100	38.90	60	23.34
105. Charlotte, N. C.	82,100	(not reporting)													
106. Shreveport, La.[29]	81,300	122,030,750	68	32	Jan. 1	Dec. 1	11.00	7.50	6.90	5.75	31.15	100	31.15	55	17.15
107. Sioux City, Iowa.[22]	80,000	100,651,308	84	16	Apr.	Mar. Sept.	11.95	16.30	4.50	2.25	35.00	100	35.00	60	21.00
108. Winston-Salem, N. C.	80,000	(not reporting)													
109. Lansing, Mich.	79,600	154,947,525	75	25	May 1	July	11.96	9.51	3.93	2.64	28.04	100	28.04	80	22.43
110. Little Rock, Ark.	79,200	60,447,825	76	24	Jan. 1	Jan. 10	7.42	18.00	8.50	8.70	42.62	50	21.31	60	12.78
111. Portland, Me.	78,600	117,711,525	75	25	Jan. 1	Oct. 1	17.00*	7.27*	1.42	6.31	32.00	100	32.00	66	21.20
112. St. Joseph, Mo.	78,500	81,238,700	73	27	Apr. 15	May 1	12.50	12.25	7.45	1.30	33.50	100	33.50	65	21.80
113. Charleston, S. C.[15]	75,900	23,055,478	73	27	Jan. 1	May 15 July 15 Oct. 15	58.00	14.25	28.00	....	100.25	42	42.10	71	29.90
114. Sacramento, Calif.	75,700	105,706,990	87	13	Jan. 1	Oct. 20	20.82	13.20	21.35	....	55.37	100	55.37	72	39.80
115. Saginaw, Mich.	75,600	(not reporting)													
116. Binghamton, N. Y.[15]	74,800	121,940,619	100	..	Jan. 1	Jan. 1 July 1	15.58	10.39	6.43	....	32.40	100	32.40	84	27.20
117. Racine, Wis.	74,400	108,327,950	84	16	Jan. 1	Jan.	5.00	12.58	3.46	.73	21.77	100	21.77	75	16.30
118. Chester, Pa.	74,200	73,783,787	100	..	Jan. 7	Mar. 1	11.50	11.00	4.19	....	26.69	100	26.69	70	18.70
119. East St. Louis, Ill.	74,000	51,652,232	65	35	Jan. 1	May 1	19.15	20.00	6.20	3.00	48.35	100	48.35	40	19.35
120. Johnstown, Pa.	73,700	85,638,095	80	20	Jan. 1	Mar. 1	14.00	17.00	6.75	....	37.75	100	37.75	80	30.60
121. Chattanooga, Tenn.	73,500	136,813,500	89	11	Oct. 1	Oct. 1	12.00	6.60*	13.00	2.20*	33.80	100	33.80	65	21.97
122. Terre Haute, Ind.	73,500	(not reporting)													
123. Pawtucket, R. I.	73,100	(not reporting)													
124. Springfield, Ohio	73,000	(not reporting)													
125. New Britain, Conn.[15]	72,800	116,232,248	80	20	Apr. 1	July 1	14.10	13.04	.86	....	28.00	100	28.00	80	22.40
126. Troy, N. Y.[15]	72,300	72,245,032	95	5	Jan. 1	Jan. July	23.79	10.64	11.65	....	46.08	100	46.08	75	34.56
127. Passaic, N. J.	71,800	(not reporting)													
128. Cicero, Ill.	71,600	(not reporting)													
129. Lincoln, Nebr.	71,100	120,972,790	79	21	Sept. 1	Oct. 1	6.40	15.00	2.80	2.40	26.60	100	26.60	75	19.95
130. Hoboken, N. J.[26]	71,000	100,267,723	93	7	Jan. 1	June 1 Dec. 1	36.10	....	7.89	3.93	47.92	100	47.92	75	35.90
131. Berkeley, Calif.	71,000	91,083,200	93	7	July 1	Oct. 20	12.40	17.00	24.30	....	53.70	100	53.70	60	32.22
132. Mobile, Ala.	69,600	(not reporting)													
133. Altoona, Pa.	69,100	(not reporting)													
134. Wheeling, W. Va.	68,660	118,337,784	75	25	July 1	Nov. 1	8.90	10.80	5.30	1.90	26.90	100	26.90	70	18.53
135. Huntington, W. Va.	68,600	106,751,235	80	20	July 1	Dec.	7.50	13.40	5.00	.60	26.50	100	26.50	80	21.20
136. Niagara Falls, N. Y.[15]	68,300	141,190,717	100	..	Jan. 1	Oct. 1	9.87	11.72	6.52	....	28.11	100	28.11	100	28.11
137. Bethlehem, Pa.	67,600	(not reporting)													
138. Quincy, Mass.	67,600	(not reporting)													
139. Springfield, Ill.	67,200	(not reporting)													
140. Brockton, Mass.	65,300	78,146,075	85	15	Dec. 1	Nov. 1	22.91	8.47	1.35	.87	33.60	100	33.60	80	26.90

COMPARATIVE TAX RATES OF 235 CITIES OVER 30,000 FOR 1929—*Continued*

	Census July 1, 1928	Assessed valuation	Per cent		City fiscal year begins	Date of collection of city tax	Tax rate per $1,000 of assessed valuation					Legal basis of assessment (per cent)	Adjusted tax rate to uniform 100% basis of assessment	Estimated ratio of assessed value to legal basis (per cent)	Final readjusted tax rate
			Realty	Personalty			City	School	County	State	Total				
141. East Orange, N. J.	65,000	$126,108,194	93	7	Jan. 1	June 1 Dec. 1	$17.77	$7.75	$5.56	$4.22	$35.30	100	$35.30	70	$24.71
142. Lakewood, Ohio	65,000	148,513,170	88	12	Jan. 1	Dec. 20 June 20	7.37	12.56	3.72	.25	23.90	100	23.90	80	19.12
143. Roanoke, Va.	64,600	67,184,204	83	17	Jan. 1	Nov. 1	16.67	8.33	....	....	25.00	100	25.00	50	12.50
144. Union City, N. J.	64,400	(not reporting)													
145. Fresno, Calif.	64,000	50,132,382	83	17	July 1	Oct. Jan.	23.50	14.50	19.10	....	57.10	100	57.10	50	28.55
146. Jackson, Mich.	63,700	88,414,034	84	16	Jan. 1	July	9.48	9.42	7.18	2.96	29.04	100	29.04	75	22.00
147. Montgomery, Ala.	63,100	(not reporting)													
148. Topeka, Kan.	62,800	88,998,895	79	21	Jan. 1	Nov. 1	15.04	15.75	4.28	2.03	37.10	100	37.10	80	29.68
149. Pasadena, Calif.	62,100	(not reporting)													
150. Portsmouth, Va.	61,600	37,196,944	91	9	Jan. 1	Nov.	17.22	9.28	....	....	26.50	100	26.50	70	18.55
151. Pontiac, Mich.	61,500	(not reporting)													
152. Macon, Ga.	61,200	52,000,000	70	30	Jan. 1	Apr. Aug. Dec.	13.75	....	18.50	5.00	37.25	100	37.25	60	22.35
153. Holyoke, Mass.	60,400	110,435,160	84	16	Dec. 1	Oct. 15	14.50	5.47	1.16	1.47	22.60	100	22.60	100	22.60
154. Covington, Ky	59,000	(not reporting)													
155. Lancaster, Pa.	58,300	107,746,900	100	..	Jan. 1	Mar. 1	5.00	8.00	1.14	....	14.14	100	14.14	85	12.02
156. Cedar Rapids, Iowa	58,200	(not reporting)													
157. Wichita Falls, Texas	58,025	51,913,700	88	12	Apr. 1	Oct. 1	21.00	10.00	7.50	6.40	44.90	100	44.90	60	26.94
158. Oak Park, Ill.[2]	57,700	46,371,639	85	15	Jan. 1	Apr. 1	19.50	36.70	4.50	3.00	63.70	100	63.70	50	31.85
159. Newton, Mass.	57,300	(not reporting)													
160. Decatur, Ill.	57,100	(not reporting)													
161. Augusta, Ga.	56,700	(not reporting)													
162. Kenosha, Wis.	56,500	72,265,340	82	18	Jan. 1	Jan.	10.67	10.03	2.99	5.31	29.00	100	29.00	57	16.53
163. Kalamazoo, Mich.	56,400	82,077,882	74	26	Jan. 1	July 1	11.00	14.66	6.10	2.96	34.72	100	34.72	100	34.72
164. Beaumont, Texas	56,300	61,971,330	79	21	July 1	Nov. 1	15.00	9.70	8.90	6.40	40.00	100	40.00	60	24.00
165. Hammond, Ind.	56,000	101,326,885	70	30	Jan. 1	May 1 Nov. 1	13.60	13.40	4.40	2.90	34.30	100	34.30	60	20.58
166. Charleston, W. Va.	55,200	109,142,361	80	20	July 1	Oct. 1	6.97	10.80	5.00	1.90	24.67	100	24.67	100	24.67
167. Atlantic City, N. J.	54,700	318,932,959	95	5	Jan. 1	June 1 Dec. 1	14.91	4.20	3.93	4.36	27.40	100	27.40	90	24.66
168. Mount Vernon, N. Y.	54,700	150,781,803	100	..	Jan.	Jan. July	12.86	10.95	3.49	.70	28.00	100	28.00	85	23.80
169. Malden, Mass.	53,400	70,127,150	86	14	Jan. 1	Oct. 15	18.14	7.77	2.58	1.11	29.60	100	29.60	80	23.68
170. Woonsocket, R. I.[17]	53,400	83,543,050	72	28	Jan. 1	Nov. 12	20.14	4.86	....	1.05	26.05	100	26.05	100	26.05
171. Newport News, Va.	53,300	31,297,265	85	15	Jan. 1	Dec. 1	17.50	13.00	....	....	30.50	100	30.50	50	15.25
172. St. Petersburg, Fla.	53,300	143,617,020	93	7	July 1	Oct. 1	11.00	3.50	2.50	1.25	18.25	100	18.25	100	18.25
173. Medford, Mass.	52,900	81,592,400	91	9	Apr. 1	Nov. 1	16.30*	9.00*	1.40*	2.50*	29.20	100	29.20	80	23.40
174. New Castle, Pa.	52,500	57,136,640	94	6	Jan.	Mar. 1	13.00	16.00	9.00	....	38.00	100	38.00	67	25.50
175. Davenport, Iowa	52,470	66,608,940	87	13	Apr. 1	Sept. 1	13.50	13.74	4.79	2.25	34.28	100	34.28	60	20.50
176. Greensboro, N. C.	51,900	105,600,000	75	25	June 1	Sept. 1	9.60	3.60	10.00	....	23.20	100	23.20	75	17.40
177. Springfield, Mo.	51,700	44,119,161	70	30	July 1	Sept. 1	13.70	16.60	5.30	1.30	36.90	100	36.90	70	25.83

178. Stockton, Calif.	51,000	(not reporting)												
179. East Chicago, Ind.	50,800	(not reporting)												
180. Columbia, S. C.	50,600	$19,586,070	67	33	Jan. 1	Oct. 15	$33.00	$29.50	$15.00	$5.00	$82.50	100	$82.50	25	$20.62
181. Galveston, Texas	50,600	59,341,000	75	25	July 1	Sept. 1	23.00	7.50	11.00	7.40	48.90	100	48.90	60	29.34
182. Madison, Wis.	50,500	(not reporting)												
183. McKeesport, Pa.	50,400	(not reporting)												
184. Perth Amboy, N. J.	50,100	52,183,959	86	14	Jan. 1	June 1 Dec. 1	22.58	11.67	9.38	4.37	48.00	100	48.00	60	28.80
185. Elmira, N. Y.	50,000	(not reporting)												
186. Pittsfield, Mass.	50,000	57,796,635	89	11	Apr. 1	Oct. 15	16.20	12.65	2.62	1.53	33.00	100	33.00	70	23.10
Group V Population 30,000 to 50,000														
187. York, Pa.	49,900	56,650,975	97	3	Jan.	Apr. 1	9.50	16.00	10.00	....	35.50	100	35.50	50	17.75
188. Chelsea, Mass.	49,800	56,567,900	88	12	Jan. 1	Apr. 1	24.19	9.83	....	3.78	37.80	100	37.80	100	37.80
189. Lima, Ohio	49,700	80,380,530	78	22	Jan. 1	Dec. 20 June 20	10.32	9.21	4.22	.25	24.00	100	24.00	90	21.60
190. Bay City, Mich.	49,600	48,101,699	80	20	July 1	Aug. 1	14.38	18.50	2.42*	5.90*	41.20	100	41.20	85	35.00
191. Haverhill, Mass.	49,230	64,010,775	84	16	Jan. 1	Sept. 15	19.77	7.89	1.32	1.02	30.00	100	30.00	100	30.00
192. New Rochelle, N. Y.	48,800	181,202,900	98	2	Jan. 1	Apr. 1 Sept. 1	15.09	7.36	3.76	.59	26.80	100	26.80	100	26.80
193. Lexington, Ky.	48,700	52,440,800	86	14	Jan.	June Oct.	16.12	8.48	5.00	3.00	32.60	100	32.60	70	22.82
194. Evanston, Ill.[2]	47,600	65,370,469	84	16	Jan. 1	Jan. 1	13.60	49.60	13.00	6.50	82.70	100	82.70	45	37.22
195. Durham, N. C.	47,600	81,787,980	66	34	June 1	Oct. 1	11.80	2.50	11.00	....	25.30	100	25.30	75	19.00
196. Battle Creek, Mich.	47,200	69,053,550	78	22	July 1	July 1	10.00	11.80	5.60	3.20	30.60	100	30.60	75	22.95
197. Aurora, Ill.	47,100	(not reporting)												
198. Muncie, Ind.	46,800	66,000,000	80	20*	Jan. 1	Jan. 1 June 1	10.00	11.70	5.10	2.90	29.70	100	29.70	100	29.70
199. Columbus, Ga.	46,600	48,238,265	75	25	Jan. 1	Aug.	12.00	6.00	8.00	5.00	18.00	100	31.00	60	18.60
200. Waco, Texas	46,600	61,188,120	76	24	Oct. 1	Dec. 1 June 1	18.20	6.50	9.80	6.80	41.30	100	41.30	60	24.78
201. Muskegon, Mich.	46,600	(not reporting)												
202. Jamestown, N. Y.[15]	46,000	64,601,049	100	..	Jan. 1	May 1	12.84	12.12	9.11	....	34.07	100	34.07	60	20.44
203. Brookline, Mass.	45,700	165,660,000	90	10	Jan. 1	Oct. 15	12.54	3.93	.75	1.78	19.00	100	19.00	100	19.00
204. San Jose, Calif.	45,500	43,582,685	85	15	Dec. 1	Oct. 21	18.30	17.20	19.60	....	55.10	100	55.10	40	22.04
205. Chicopee, Mass.	45,400	(not reporting)												
206. Fitchburg, Mass.	45,200	58,621,975	80	20	Dec. 1	Oct. 15	17.61	9.63	1.44	1.32	30.00	100	30.00	100	30.00
207. Austin, Texas	45,135	48,592,677	79	21	Jan. 1	Apr. 1	15.00	6.00	8.40	6.40	35.80	100	35.80	66	23.90
208. Lorain, Ohio	44,900	85,605,510	63	37	Jan. 1	Dec. 20 June 20	9.18	9.72	3.05	.25	22.20	100	22.20	85	18.85
209. Pueblo, Colo.	44,200	(not reporting)												
210. Hamilton, Ohio	44,200	96,363,950	74	26	Jan. 1	Dec. 20 June 20	8.69	7.07	3.48	.25	19.49	100	19.49	100	19.49
211. Williamsport, Pa.	44,000	38,204,105	100	..	Jan. 1	Mar. 1	15.50	17.00	9.50	....	42.00	100	42.00	70	29.40
212. Stamford, Conn.	43,800	96,813,246	97	3	Jan. 1	Sept. 1	24.84	9.47	.19	....	34.50	100	34.50	75	24.80
213. Butte, Mont.	43,600	(not reporting)												
214. Everett, Mass.	43,300	72,410,275	84	16	Jan. 1	Nov. 1	12.30	10.80	1.43	4.67	29.20	100	29.20	75	21.90
215. Salem, Mass.	43,000	57,415,540	83	17	Jan. 1	Sept. 1	17.55	9.74	1.80	1.21	30.30	100	30.30	100	30.30
216. Rock Island, Ill.	42,700	23,621,976	79	21	Apr. 1	Mar. 1	14.30	20.00	6.15	3.00	43.45	100	43.45	60	26.10
217. Poughkeepsie, N. Y.[15]	42,500	49,916,212	100	..	Jan. 1	Feb. 15	29.45	....	10.07	....	39.52	100	39.52	80	31.60
218. Dubuque, Iowa	42,300	47,491,696	75	25	Apr. 1	Jan. 1	15.17	12.43	6.65	2.25	36.50	100	36.50	70	25.55
219. Council Bluffs, Iowa	42,300	(not reporting)												
220. Phoenix, Ariz.	42,100	81,530,216	55	45	July 1	Oct. Apr.	12.60	13.80	19.00	9.30	54.70	60	32.82	60	19.69

COMPARATIVE TAX RATES OF 235 CITIES OVER 30,000 FOR 1929—*Continued*

	Census July 1, 1928	Assessed valuation	Per cent		City fiscal year begins	Date of collection of city tax	Tax rate per $1,000 of assessed valuation					Legal basis of assessment (per cent)	Adjusted tax rate to uniform 100% basis of assessment	Estimated ratio of assessed value to legal basis (per cent)	Final readjusted tax rate
			Realty	Personalty			City	School	County	State	Total				
221. Joliet, Ill.	41,900	$26,857,579	80	20	Jan. 1	Jan. 1	$20.00	$13.75	$6.30	$3.00	$43.05	100	$43.05	60	$25.83
222. Portsmouth, Ohio	41,200	(not reporting)													
223. West New York, N. J.	40,900	(not reporting)													
224. New Brunswick, N. J.	40,800	59,722,200	95	5	Jan. 1	June 1 Dec. 1	21.50	12.30	9.40	4.40	47.60	100	47.60	80	38.10
225. Taunton, Mass.	40,600	(not reporting)													
226. Kokomo, Ind.	40,400	(not reporting)													
227. Quincy, Ill.	39,800	(not reporting)													
228. Superior, Wis.	39,670	(not reporting)													
229. East Cleveland, Ohio	39,400	88,359,580	85	15	Jan. 1	Dec. 1 June 1	7.05	14.18	3.72	.25	25.20	100	25.20	70	17.64
229a. Amarillo, Tex.	39,200	(not reporting)													
230. Wilmington, N. C.	39,100	(not reporting)													
231. Ogden, Utah	39,100	41,224,204	73	27	Jan. 1	Sept. 1	11.00	11.50	4.50	8.30	35.30	100	35.30	60	21.18
232. Danville, Ill.	38,800	31,288,375	57	43	May 1	June 1	15.00	17.00	4.00	3.00	39.00	100	39.00	66	26.00
233. Lynchburg, Va.	38,600	44,500,000	93	7	Jan. 1	Sept. 1	13.50	10.00	....	....	23.50	100	23.50	60	14.10
234. Easton, Pa.	38,400	45,705,440	100	..	Jan.	Jan.	13.50	15.00	7.00	....	35.50	100	35.50	56	19.85
235. Hazleton, Pa.	38,300	29,580,400	93	7	Jan. 1	Apr. 1	13.00	24.00	8.90	....	43.90	100	43.90	40	17.56
236. Petersburg, Va.	37,800	29,616,324	90	10	July 1	July 1	18.40	6.60	....	....	25.00	100	25.00	70	17.50
237. Cranston, R. I.	37,500	68,268,790	78	22	Oct. 1	Oct. 11	10.80	11.00	....	1.20	23.00	100	23.00	75	17.25
238. Waterloo, Iowa	37,100	30,324,000	84	16	Apr. 1	Jan. 1	17.71	24.07	5.21	2.16	49.15	100	49.15	40	19.66
239. Meriden, Conn.	37,100	51,353,175	85	15	Jan. 1	May 4 Nov. 4	15.46*	10.64*	.69	.21	27.00	100	27.00	90	24.30
240. Waltham, Mass.	37,100	(not reporting)													
241. Lewiston, Maine	36,600	34,585,176	84	16	Mar. 1	Aug. 20	17.00	5.00	2.00	8.00	32.00	100	32.00	60	19.20
242. Orange, N. J.	36,500	47,376,944	93	7	Jan. 1	June 1 Dec. 1	20.52	10.51	5.55	4.22	40.80	100	40.80	80	32.64
243. Clifton, N. J.	36,200	(not reporting)													
244. Amsterdam, N. Y.	36,200	(not reporting)													
245. Norristown, Pa.	36,200	25,564,160	92	8	Jan. 1	July 1	12.50	20.00	4.00	....	36.50	100	36.50	33	12.17
246. Warren, Ohio	36,100	77,746,050	90	10	Jan. 1	Dec. 20	7.55	10.15	3.75	.45	21.90	100	21.90	90	19.71
247. Green Bay, Wis.	36,100	(not reporting)													
248. Colorado Springs, Colo.	36,000	41,244,200	67	33	Jan. 1	Jan. Aug.	14.00	15.75	8.46	3.56	41.77	100	41.77	80	33.42
249. Revere, Mass.	36,000	41,434,450	94	6	Jan. 1	Oct. 15	....	....	....	....	38.40	...	....	..	....
250. Elgin, Ill.	36,000	29,455,661	70	30	Jan. 1	Mar.	11.70	17.40	10.86	3.00	42.96	100	42.96	75	32.22
251. Auburn, N. Y.[15]	35,700	52,561,155	100	..	July 1	July 1	10.95	5.31	6.35	....	22.61	100	22.61	98	22.20
252. Moline, Ill.	35,600	22,709,750	70	30	Apr. 1	Mar. 15	14.10	20.00	6.15	3.00	43.25	100	43.25	60	25.95
253. Sheboygan, Wis.	35,100	50,118,342	82	18	Jan. 1	Jan. 1	15.21	9.29	6.25	.63	31.38	100	31.38	64	20.08
254. Irvington, N. J.	34,600	74,044,807	92	8	Jan. 1	June 1 Dec. 1	15.21	11.00	5.55	4.24	36.00	100	36.00	100	36.00
255. Anderson, Ind.	34,600	(not reporting)													
256. Cumberland, Md.	34,400	43,000,000	70	30	Apr. 1	July 20	10.00	9.13	5.57	2.57	27.27	80	21.85	65	14.20
257. Montclair, N. J.	33,700	106,246,891	92	8	Jan. 1	June 1 Dec. 1	14.90	9.75	8.20	1.65	34.50	100	34.50	90	31.05

258. Watertown, N. Y.	33,700	$45,975,571	99	1	July 1	July 1	$14.60	$12.20	$8.21	$.69	$35.70	100	$35.70	80	$28.56
259. Marion, Ohio	33,400	49,459,740	64	36	Jan. 1	June 1 Dec. 1	9.68	10.09	3.98	.25	24.00	100	24.00	100	24.00
260. Oshkosh, Wis.[15]	33,200	59,916,285	82	18	Jan. 1	Jan. 1	11.90	8.89	5.21	....	26.00	100	26.00	80	20.80
261. Muskogee, Okla.	33,200	(not reporting)													
262. Port Arthur, Texas	33,000	(not reporting)													
263. Steubenville, Ohio	32,600	80,686,080	70	30	Jan. 1	June 20 Dec. 20	4.67	10.10	4.95	.25	20.07	100	20.07	85	17.10
264. Mansfield, Ohio	32,500	75,000,000	75	25	Jan. 1	Dec. 20 June 20	6.70	9.40	4.85	.45	21.40	100	21.40	100	21.40
265. Plainsfield, N. J.	32,500	(not reporting)													
266. Alameda, Calif.	32,400	30,208,000	85	15	July 1	Oct. 21	16.90	18.40	22.10*	....	57.40	100	57.40	60	34.44
267. Kearny, N. J.	32,100	73,894,537	84	16	Jan. 1	June 1 Dec. 1	15.47	8.29	8.04	4.85	36.65	100	36.65	70	25.65
268. Fort Smith, Ark.	32,100	22,726,224	65	35	Apr. 1	Jan. 1	7.03	18.00	7.50	8.70	41.23	50	20.62	60	12.37
269. Asheville, N. C.	32,000	117,000,000	85	15	Sept. 1	Sept. 1	16.00	5.30	15.10	....	36.40	100	36.40	80	29.15
270. Hagerstown, Md.	32,000	(not reporting)													
271. Middletown, Ohio	31,900	80,199,200	75	25	Jan. 1	June Dec.	5.07	7.15	3.48	.25	15.95	100	15.95	85	13.55
272. Sioux Falls, S. D.	31,200	44,489,963	75	25	Jan. 1	Apr. Oct.	11.96	16.16	4.03	3.12	35.27	100	35.27	70	24.70
273. Rome, N. Y.	31,100	24,286,107	97	3	Jan. 1	Jan. 1 July 1	16.48	13.88	6.31	.78	37.45	100	37.45	80	29.96
274. Raleigh, N. C.	31,000	(not reporting)													
275. Richmond, Ind.	31,000	42,235,831	54	46	Jan. 1	May Nov.	12.20	12.20	4.50	2.90	31.80	100	31.80	100	31.80
276. Clarksburg, W. Va.	30,900	50,238,776	67	33	July 1	Oct. 15	9.00	9.00	2.30	1.90	22.20	100	22.20	70	15.54
277. Great Falls, Mont.	30,900	14,621,761	75	25	July 1	Aug. 1	24.23	28.00	11.50	4.33	68.06	100	68.06	28	19.05
278. Norwood, Ohio	30,800	(not reporting)													
279. Port Huron, Mich.	30,700	38,484,779	85	15	May 1	July	13.60	16.08	7.30	2.66	39.64	100	39.64	85	33.65
280. Bloomington, Ill.	30,700	(not reporting)													
281. Newark, Ohio	30,500	47,571,580	67	33	Jan. 1	June Dec.	8.16	10.10	5.25	.49	24.00	100	24.00	80	19.20
282. Zanesville, Ohio	30,450	61,162,020	76	24	Jan. 1	June Dec.	4.90	10.65	5.00	.45	21.00	100	21.00	100	21.00
283. LaCrosse, Wis.[15]	30,400	48,406,688	81	19	Jan. 1	Jan. 1	11.50	9.00	9.50	....	30.00	100	30.00	100	30.00
284. Newburgh, N. Y.[15]	30,400	39,359,200	100	..	Jan. 1	Mar. Sept.	13.00	11.60	11.26	....	35.86	100	35.86	81	29.00
285. Norwalk, Conn.	30,100	(not reporting)													
286. Nashua, N. H.	30,000	43,843,267	90*	10*	Jan. 1	Dec. 1	15.29	8.40	2.15	2.36	28.20	100	28.20	100	28.20
Canadian Cities															
1. Montreal, Que.[30]	699,500	868,542,118	100	..	Jan. 1	Oct. 1	14.60	9.36	....	....	23.96	100	23.96	75	17.97
2. Toronto, Ont.[31]	585,626	967,371,437	100	..	Jan. 1	May 3 July 5 Sept. 5	21.30	10.20	....	....	31.50	100	31.50	75	23.63
3. Winnipeg, Man.[32]	205,083	232,260,930	100	..	Jan. 1	June 15	16.51	13.66	....	2.83	33.00	80	26.40	100	26.40
4. Vancouver, B. C.[33]	142,150	171,567,984	100	..	Jan. 1	Aug. 3	25.13	12.37	....	....	37.50	74	27.75	100	27.75
5. Hamilton, Ont.[34]	134,566	158,626,982	100	..	Jan. 1	June 1 Sept. 1	20.20	13.30	....	....	33.50	100	33.50	100	33.50
6. Quebec, Que.[35]	131,071	152,504,827	100	..	May 1	Nov. 1	21.60	9.50	....	....	31.10	100	31.10	80	24.88
7. Ottawa, Ont.	122,731	149,323,059	100	..	Jan. 1	June 18 Nov. 18	20.30	11.05	....	....	31.35	100	31.35	67	21.00

COMPARATIVE TAX RATES OF 235 CITIES OVER 30,000 FOR 1929—*Concluded*

	Census July 1, 1928	Assessed valuation	Per cent		City fiscal year begins	Date of collection of city tax	Tax rate per $1,000 of assessed valuation					Legal basis of assessment (per cent)	Adjusted tax rate to uniform 100% basis of assessment	Estimated ratio of assessed value to legal basis (per cent)	Final readjusted tax rate
			Realty	Personalty			City	School	County	State	Total				
8. Edmonton, Alta.[36]	72,501	$63,200,920	100	..	Jan. 1	May 15 July 15 Oct. 1 Dec. 1	$23.80	$22.70	....	....	$46.50	78	$36.20	100	$36.20
9. Calgary, Alta.	72,500	(not reporting)													
10. Windsor, Ont.	68,569	79,454,400	100	..	Jan. 1	June 15 Oct. 15	19.91	16.09	....	....	36.00	100	36.00	60	21.60
11. London, Ont.	68,404	80,622,004	100	..	Jan. 1	June 18 Aug. 18 Oct. 18	19.90	14.00	....	....	33.90	100	33.90	80	27.12
12. Halifax, N. S.[37]	55,000	55,424,195	100	..	May 1	May 1 Sept. 1	22.60	11.00	....	1.00	34.60	100	34.60	80	27.68
13. St. John, N. B.	52,000	51,491,400	100	..	Jan. 1	July 16 Aug. 27 Oct. 8	10.40	10.80	....	7.80	29.00	100	29.00	100	29.00
14. Verdun, Que.	47,000	(not reporting)													
15. Victoria, B. C.[38]	42,000	53,719,317	100	..	Jan. 1	Aug. 15	28.73	12.27	....	....	41.00	100	41.00	65	26.70
16 Regina, Sask.[39]	42,000	58,027,665	100	..	Jan. 1	June 30 Jan. 31	21.00	18.50	....	1.50	41.00	84	34.44	80	27.55
17. Saskatoon, Sask.[40]	40,000	31,668,924	100	..	Jan. 1	July 31	16.34	24.33	....	1.73	42.40	87	36.89	90	33.20
18. Three Rivers, Que.	36,500	50,409,200	100	..	Jan. 1	Nov. 28	23.24	10.00	....	3.36	36.60	100	36.60	75	27.45

* Estimated.

[1] *New York City.* The assessed valuation is exclusive of $900,000,000 of new dwellings exempted from local taxation until 1932, but assessed for state tax. The official computation gives a single rate for city, school and county purposes; the individual estimates shown being in proportion to appropriations. In addition to the rate given, levies are made on the several boroughs and city at large for local improvements. The estimated ratio of assessed to true value is based upon the state equalization table.

[2] *Chicago.* The figures given are for 1927 valuation and 1928 tax levy. The rate includes sanitary district and south park district rates, the rate given being for the south park district (central business section and greater part of south side). Rates in other parts of the city are slightly higher because of variations in the park rate. These figures are the latest available, on account of the delay involved in the reassessment ordered by the state tax commission.

[3] *Philadelphia.* The city rate includes the cost of county government, which is consolidated with the city. The rates are given on city realty, comprising 95 per cent of all realty; suburban realty (4½ per cent of all realty) is taxed at two-thirds, and farm realty (½ per cent) at one-half the rate on city realty,—except that property in independent poor districts (having local poor taxes of from 30 to 40 cents per $1,000 valuation) is further relieved of such poor taxes. Money at interest and vehicles to hire, comprising the personalty valuation, are taxed at 4 mills. There is no state tax in Pennsylvania on property subject to local taxation.

[4] *Los Angeles.* The population is a local estimate. The city rate includes a tax for flood control, $1.00, and metropolitan water district, 40 cents. There is no state tax on real estate in California.

[5] *Cleveland.* The school rate, for all Ohio cities, includes a state rate for schools of $2.65, collected by the county and distributed to the school districts.

[6] *Baltimore.* There is no county rate. There are several rates applied to different bases of valuation (see 1926 tabulation for details, December, 1926, REVIEW). Personal property of manufacturers is exempt from taxation.

[7] *Pittsburgh and Scranton.* The city rate upon improvements is one-half the rate upon land, the rate shown being the weighted average of the two rates. Machinery is exempt from taxation.

[8] *San Francisco.* The city rate includes the county, which is consolidated with the city. The valuation reported includes $388,761,784 of solvent credits and stocks and bonds which are taxed under state law, the first at $1.00 per $1,000 and the latter at $2.00 per $1,000.

[9] *Washington, D. C.* Appropriations for the District of Columbia are made by Congress, a lump sum of $9,000,000 thereof being paid by the federal treasury. Intangible personalty, $524,565,000, not included in the valuation reported, is taxed at one-half of one per cent. Banks, trust companies, and public service corporations are taxed at various rates on earnings or receipts. There is a single rate for all purposes, the school rate being estimated.

[10] *Minneapolis, St. Paul, Duluth.* The Minnesota statutes provide for five classes of property, assessed at varying bases of true value: real estate (except unplatted) is assessed at 40 per cent; iron ore at 50 per cent; personalty, in three classes, is assessed at 10, 25, and 33⅓ per cent, respectively. The average of all is as reported. Money and credits (not included in the valuation reported) are taxed at 3 mills on the dollar. The total rate in Minneapolis varies slightly in various wards due to varying rates for street maintenance.

[11] *Kansas City, Missouri.* The valuation given is for city tax purposes; the valuation of real estate used for school, county, and state purposes is about one-third larger. The rates shown are adjusted to the city valuation basis. In addition, a $2.50 park and boulevard maintenance tax on land only is levied, equivalent to a tax of 38 cents on the total valuation.

[12] *Seattle, Washington.* The city rate includes a tax of $1.00 per $1,000 for the Port of Seattle.

[13] *Portland.* The school rate includes $2.18 county school levy, and $2.20 state elementary school levy, which are returned to the local school district.

[14] *Louisville.* Of the valuation reported, $27,119,000 of stocks of banks, trust and life-insurance companies is taxed $2.00 per $1,000 for city and $4.00 for schools. Unmanufactured agricultural products, $5,500,000, are taxed $1.50 per $1,000 for city purposes.

[15] *Rochester, Albany, Charleston, Binghamton, Troy, New Britain, Niagara Falls, Jamestown, Poughkeepsie, Auburn, Oshkosh, La Crosse, Newburgh.* The county rate includes state rate, the separation not being reported.

[16] *Denver.* The rate given excludes a probable tax of $1.50 per $1,000 for the Moffat Tunnel district which is in litigation.

[17] *Providence, Woonsocket.* There is no county government in Rhode Island. In addition to the rate given, $4.00 per $1,000 is levied on intangible personalty.

[18] *Oakland.* The city rate includes $5.00 water utility district rate.

[19] *Richmond.* The cities of Virginia are autonomous, having no county government. There is no state tax on property subject to local taxation. Tangible personalty is taxed at $14.50 per $1,000 for city purposes.

[20] *Dayton.* The city rate includes $2.13, and the county rate, $.27, conservancy.

[21] *Miami.* Rates for school, county, road, and state are levied upon separate valuations but are readjusted to the city valuation reported.

[22] *Des Moines, Sioux City.* Taxable values in Iowa are one-quarter of assessed values. The city tax includes a 47-cent rate per $1,000 on business and boulevard property subject to white-way lighting which is not levied on other property. Moneys and credits are taxed at 5 mills.

[23] *Wilmington.* Of the total assessment, $2,864,250 pays one-half the full rate for city and schools; and $2,399,475, public utilities, pays a rate of $39.50 for city and $5.50 for school purposes. There is no state tax.

[24] *Fall River.* The city rate includes $1.90 tax rebate to overvaluation in prior years.

[25] *Kansas City, Kansas.* The rate given is exclusive of a $3.70 per $1,000 Kaw Valley drainage district tax levied on $56,000,000 valuation in the city.

[26] *Lowell, Hoboken.* The city rate includes schools, the separation not being reported.

[27] *Tacoma.* The city rate includes port, $3.40, and park, $2.00.

[28] *Peoria.* The city rate includes $5.30 for the park and sanitary sewer districts.

[29] *Shreveport.* Valuation along river pays an additional levy of $5.00 for levee protection.

[30] *Montreal.* The school rate reported is the average of the Catholic rate, $7.00, the Protestant rate, $10, and the neutral rate, $12.

[31] *Toronto.* Realty valuation includes 10.4 per cent business and 7.4 per cent income. The school rate given is the public school rate; the separate school rate is $14.45.

[32] *Winnipeg.* Land, valued at $114,176,430, is assessed at 100 per cent; buildings are assessed at 66⅔ per cent; the ratio of rateable assessment to total valuation is 79.7 per cent. The province tax is reported under "State."

[33] *Vancouver.* Land, assessed at $161,701,641, is taxed at 100 per cent; improvements, assessed at $171,567,984, are taxed at 50 per cent; the ratio of taxable valuation to total is 74.2 per cent. The gross tax rate is $41.666, but is reported $37.50 because over 90 per cent is paid before the expiration of a 10 per cent discount period.

[34] *Hamilton.* Realty valuation includes 8.9 per cent business and 4.5 per cent income.

[35] *Quebec.* The city rate includes $5.00 for water paid by $44,969,260 which is exempt from general taxation, and $1.10 for improvements.

[36] *Edmonton.* Land, valued at $36,275,190, is assessed at 100 per cent; improvements are assessed at 60 per cent; the ratio of taxable to true valuation is 78 per cent.

[37] *Halifax.* Realty valuation includes 13.7 per cent business, and 5 per cent household, assessment.

[38] *Victoria.* Land, valued at $24,805,857, is assessed at 100 per cent; improvements are assessed at 50 per cent; the ratio of taxable to true valuation is 65 per cent.

[39] *Regina.* Realty valuation includes 12 per cent business and income. Land, valued at $34,084,750, is assessed at 100 per cent; improvements, at 60 per cent. The separate school rate is $6.20 higher than the public school rate reported.

[40] *Saskatoon.* Land is assessed at 100 per cent, improvements at 60 per cent.

RECENT BOOKS REVIEWED

GROUP REPRESENTATION BEFORE CONGRESS. By E. Pendleton Herring. Baltimore: The Johns Hopkins Press, 1929. xviii, 309 pp.

The problem of representation in the United States is today vastly different from what it was at the time of the Constitutional Convention. To the founding fathers, representation was designed to secure in the government a reflex of the opinion of the entire electorate. The opinion of individuals collected in the districts was expected to form the basis upon which public policy should rest. It was recognized that sinister interests might at times pervert the representation of the people, and safeguards against this contingency were sought. But nobody supposed that the individual would cease to be the source from which opinion sprang and that citizens would take their ideas on government and politics from an organized group. The growth of occupational, functional, social, patriotic, religious, business, and scientific groups avowedly aiming to control public policy was not foreseen.

Dr. Herring seeks to draw a picture of the national associations that come to Washington and attempt to influence the government. The study is by no means complete and embraces only those organizations which are or have been the most prominent. But a cross-section is worth a great deal in this case. For the great system of lobbying at the national capital, although composed of warring elements that represent the pro and con of almost every conceivable question of public or quasi-public interest, has nevertheless a sameness in its operation that makes possible a discussion of general method. Some associations exist for the benefit of their own large memberships and seek to promote legislation in behalf of the social and economic interests of the people who contribute to their support; others aim solely to control legislation in behalf of the other fellow. Many of the spokesmen for the organized groups talk in terms of the general welfare and the education of the nation; a few admit that their chief function is to "worry the life out of congressmen." When they get down to the serious business of influencing legislation, all organized groups follow pretty much the same tactics.

It should not be overlooked that the new lobby has supplanted an older lobby about which the odor of corruption clung for many years. It is too much to claim that corruption has been banished from our national government; Teapot Dome is not far in the background. But the methods of the organized groups that gather in Washington today do not partake of the bribery and corruption of the lobbies maintained by the vested interests a generation ago. For this reason the legislative attempts to deal with the organized groups have proved abortive; they have proceeded upon the assumption that the new lobby was not greatly different from the old.

The conclusions which Dr. Herring is able to draw from his survey of the organized groups at Washington are subject to limitations. He has been able within the brief compass of his study to sketch only a few of the most prominent associations. Sufficient data is presented to warrant the conclusion that certain extra-legal agencies have become an integral part of our representative system of government. That these national associations have succeeded in creating public opinion and in using this opinion in the promotion of specific legislative measures cannot be denied. But Dr. Herring's method of observation does not reveal the effectiveness of the lobby in bringing the public opinion which it creates to bear upon the government in specific instances. We know, for example, something of the activities of the Anti-Saloon League in bringing pressure to bear upon congressmen to further prohibition enforcement legislation. It is important to know the impact of this and other organized groups upon congress in the construction of particular measures. This problem cannot be solved by external observation. That is not to say that Dr. Herring has not done his work well. He has demonstrated that the national associations must be taken into account, along with the political party, as agencies in the formulation and expression of public opinion. The precise place to be allotted to them in the government remains yet to be determined.

WILLIAM S. CARPENTER.

Princeton University.

L'AVENIR DE PARIS. By Albert Guérard. Paris: Payot, 1929. 366 pp.

Professor Albert Guérard, of the Faculty of Letters at Stanford University, in charge of the course on the civilization of France, has written a most significant and absorbing book on the future of Paris. The suggestions which Professor Guérard offers for transforming the ugly and preserving the beautiful in the French capital are both penetrating and sound. They are set forth in great detail and can be appreciated fully only by those who know their Paris. Written for Parisians, the selection of good and bad examples from the United States proves entertaining reading for an American.

At the outset Professor Guérard recognizes that the beauty of Paris is inseparably tied up with the Seine, the treatment of its bridges and its banks as well as with the composition of the groups of buildings to be seen from the river. Professor Guérard believes that if Haussmann were living today, he would not be satisfied with the Paris of today, but would be projecting new plans to meet the complicated needs of modern civilization.

Paying his compliments to the beaux-arts type of architecture in the nineteenth century, which he thinks can hardly lay claim to a merit which will permit it to enjoy the long-lived fame of the Greek, Roman or Gothic types, the author discusses the architectural possibilities of both public and private buildings in the Paris of the future. He realizes the advantages and even the beauty of some of the skyscrapers, particularly as produced under the set-back zoning laws of New York. He admires the Woolworth building. But he realizes that Paris would be ruined by the unrestrained adoption of the skyscraper and sets forth very clearly the relation of high buildings to width of streets and to open spaces. He hopes that Paris will avoid the mistakes made by many American cities in totally disregarding the problems of congestion and traffic caused by acres of high buildings until the situations become so intolerable that emergency measures are necessary.

The population of Paris should be dispersed into the suburbs, which should be designed to make the most of grass, flowers and trees in public gardens and private grounds. The principles of zoning should be adapted to meet continental conditions.

Professor Guérard's suggestion that high apartment buildings be erected in the suburbs, where enough space may be kept open around them and where the boulevards may provide ample room for traffic, is exactly opposite to the American practice of crowding high buildings in small congested downtown areas. His suggestion that the inner city be held to low buildings would not only preserve the architectural charm of Paris but would prevent the overwhelming traffic difficulties which have developed in the larger cities of the United States.

He offers daring but intriguing suggestions that the French government seek a new site and provide itself with governmental buildings of charm and dignity, set in extensive gardens, designed as a harmonious unit, and that the business of Greater Paris, transformed into a sort of county or federated city government, be housed in appropriate buildings, with perhaps a division of function which would permit a degree of decentralization and so make use of headquarters in the old towns which should be taken into the larger city.

With new railway stations, served with double-deck boulevards to provide for both local and through traffic, with gardens covering the railway entrance tracks, with arterial and ring boulevards at convenient intervals, with an outer parkway connecting the obsolete military stations transformed into gardens or parks, with the street trees protected and extended, with port facilities drawing boat traffic up the Seine, and with many more improvements proposed by Professor Guérard, the Paris of tomorrow should indeed be a greater, a better and a more beautiful capital city.

HARLEAN JAMES.

American Civic Association.

*

ROADSIDE DEVELOPMENT. By J. M. Bennett. (Land Economics Series, edited by Richard T. Ely of the Institute for Research in Land Economics and Public Utilities) New York; Macmillan, 1929. 265 pp.

When we go out for an enjoyable drive, do we take the crude, bald, new highway, or do we seek the charming old roads with their wealth of bordering trees, shrubs and herbage? Why does the average new highway have to be so dull? As a matter of fact, there is no reason why it should. Fortunately Wayne County, Michigan, and Mercer County, New Jersey, have pointed the way, which is now being followed in many states and counties, of bringing to our new roadsides the charm that characterizes the old.

At first thought it seems to be a simple matter to go out into the woods and dig up a few trees and plant them along the roadside and then let them take care of themselves. In actual practice it is much more complicated than that, for the planting of trees, shrubs, and grass borders has developed into a distinct science and art with a wealth of background and experience behind it. If our wonderful zeal for road building is going to mature and give us charming as well as efficient roads, obviously the road-building agencies in the country must profit by the best experience available in planting, and make a point of learning what the modern science and art of roadside development really is.

Seemingly nobody took the trouble to prepare a readable manual on this subject until J. M. Bennett prepared this book for the Institute of Research and Land Economics and Public Utilities. Every conceivable thing that one could ask and everything that one might possibly need to know in connection with roadside development, both from the standpoint of technique and the standpoint of landscape architecture, is covered in this 250-page manual. Better still, every point that is made is strikingly illustrated by effective photographs and drawings. How not to do it is illustrated as often as how to do it. Such questions as what to do about poles and wires and other street fittings are covered in great detail, and even the question of comfort stations is taken up. The best laws relating to wayside development, especially those of Wayne County, Michigan, and Westchester County, New York, are given in full. Perhaps the most inspiring chapter of all is the one on national progress, which shows that already a large proportion of the states and scores of counties are seriously taking up roadside development. Perhaps there is no one movement going on today that is likely to have as much beneficial effect on our highways and add so much to the enjoyment of driving as this.

I feel that we can unreservedly recommend this book to all state, county and municipal highway authorities.

George B. Ford.

*

Philadelphia Traffic.—Among the many special reports dealing with some one item in the city plan the series entitled "Philadelphia Traffic Survey" now being prepared for the Chamber of Commerce under the direction of Mitten Management, Inc., presents particularly concrete recommendations based on detailed surveys and analysis.

Report No. 1 demonstrates that additional street approaches to the great Delaware River Bridge are vitally needed. Will Philadelphia provide them?

Report No. 2 continues the study throughout the central district, finds the pedestrian the largest element, and makes a series of recommendations for eliminating left-hand turns, revised parking, signal lights, establishing a traffic bureau and traffic court, pedestrian subways, paving uniform signs and the like. No land acquisitions for widenings are recommended, but three of Philadelphia's famous city parks are regarded as unused, or at least as of less value to the community as parks than as paved street area and the community itself evidently too poor to buy elsewhere the additional street area needed. Alternative plans are presented for cutting traffic streets straight through Rittenhouse Square, Washington Square and (in Report No. 1) Franklin Square, or of slicing considerable strips off their sides and in the case of the first two also cutting a great two-hundred-foot triangle off of each corner, thus appropriating about one-sixth of their area and transforming these "squares" into octagons. Will Philadelphia also do this?

Report No. 3 amplifies the signal control recommendations; and Report No. 4 analyzes accidents in more detail and emphasizes certain of the previous recommendations, such as traffic bureau and court, signals and pedestrian subways. These are stated to be followed by further installments of the complete survey.

Arthur C. Comey.

*

The Financial History of Baltimore, 1900–1926. By Leonard Owens Rea, Ph.D. (Johns Hopkins University Studies in History and Political Science, Series XLVII, No. 3.) Baltimore: The Johns Hopkins Press, 1929. 127 pp.

This study is "an attempt to bring up to date in a final and concise manner the financial history of Baltimore." It is a timely supplement to the brilliant study of Professor Jacob H. Hollander which traced the city's financial history from 1729 to 1897.

Enormous increases in municipal expenditures mark the last twenty-five years of the city's history. While the steady expansion of the city services, incident to the growth of population, and the general rise of the price levels since 1919 have been factors of considerable importance, the change has come about "chiefly in response to a rising social consciousness demanding higher standards of municipal comfort, health, and efficiency." Particular items involved in this increase have been a sanitary storm water and sewage drainage system, repeated projects to provide a pure and adequate water supply, the development of port facilities, extension of conduits, smooth highways, and outlays for public education.

Concerning the municipal revenues, the study notes that the general property tax continues to be the dominant feature of the municipal revenue system. License taxes sunk to relative unimportance after the enactment of the federal prohibition act. Special assessments for street construction and paving gave way after 1912 to a special paving tax. The administration of the general property tax was improved during the period by the substitution of continuous revision of the tax assessment rolls for the spasmodic revisions that characterized the past. Also since 1900 the returns on intangible property were increased more than four and one-half times as the result of making intangible wealth a special class of property and of subjecting it to a differential rate of taxation more in keeping with the income derived from owning it.

Since 1904, the city has financed public improvements largely by resorting to long term loans. It is interesting to note that there are no legal limitations upon the borrowing power of the city, except that the municipality must obtain consent of the general assembly and the local electorate. But only in two instances was such consent refused.

Students of municipal government interested in the history of American city government and in the problems of municipal finance will find this a useful and valuable study. The reviewer regrets, however, that the author felt it necessary to restrict himself to such a concise account. We have, for example, a very sketchy account of the city's financial experience in the handling of its numerous public service enterprises. One would also like to know more about the city's experience with differential tax rates. Budgetary practices are barely considered. Such matters as auditing and accounting control, the custody and disbursement of funds, and purchasing are entirely omitted. Scarcely any attempt is made to appraise the city's financial policies during this period, and as a consequence the study is descriptive rather than analytical and critical.

Martin L. Faust.

*

What About the Year 2000? (Published under the direction of the Joint Committee on the Basis of Land Policy, Frederic A. Delano, Chairman.) Washington, D. C.: American Civic Association, 1929. 168 pp.

This extensive summary was prepared by a representative committee of well-known experts under the leadership of Mr. Delano. No claim is made to either extensive original research or any particular doctrinaire point of view, economic, political or social. The work is essentially a compendium of well-organized facts relating to the existing land resources in this country and an analysis of the land policies which have been followed either by the federal or the state governments both in the conservation and in the distribution of lands.

In so far as the facts are projected into the future they are considered in the light of conditions that might arise in the year 2000 when the probable population of the United States would be approximately 200,000,000.

Those interested in the general question of our land resources and their adequacy for future use in creating food and other necessities of life will find this book of considerable service because of its richness in material and its authenticity. Those who seek any suggestion of a new social order, or concepts of radical changes in the future, will be disappointed. There are a few timid ventures into the realm of reform, but they do not project themselves beyond their own shadows.

If we assume that the demands of the future will remain the same as those of the present and if we are willing to accept the view that our creative genius will not materially change our social and economic life during the next two generations, the facts presented in this report leave us fully confident that we shall continue to maintain a reasonably high standard of living and a state of civilization no lower than that which we have so far achieved. Most of us are unwilling, however, to accept such a standard or such a prospect for the future.

The chapter on city planning is in keeping with present-day thinking, but it lacks that perspective and imaginative content which might be suggested by the most casual consideration of the failure of our modern urbanism.

The criticism made of this excellent report is not advanced because of any inherent faults of the book in the light of what it endeavors to set forth, but merely as a suggestion for another inquiry that will deal with the future more boldly and perhaps more imaginatively.

Carol Aronovici.

Beverly Hills, California.

MUNICIPAL REPORTS

Kenosha, Wisconsin. *Seventh Annual Report for the Year Ending December 31, 1928. By William E. O'Brien, City Manager.* 53 pp.

In general the composition of this report is fair. The illustrative material is good, and the physical make-up is above the average. The size of type, however, is too small to be easily read and no emphasis whatever is placed on important facts. The few charts are clear and quite illuminating but only one picture graces the pages. The more significant features include a page of interesting facts about the city, a chart of the administrative organization, a list of accomplishments during 1928, and a page of proposed activities for 1929. One is disappointed to note that out of the twenty-two accomplishments all but four pertain to public works activities, and that about the same proportion applies to the proposed activities.

New London, Connecticut. *Annual Report for Year Ending September 30, 1928. By William A. Holt, City Manager.* 87 pp.

This report lacks distinctiveness mainly because it is almost void of any illustrative material. There are no charts at all and the views for the four pictures could have been taken in almost any city in the country as far as the casual reader can observe. The reviewer sees no feasible reason for including a picture or other illustrative material for that matter in a report unless it has a definite function. The context is fairly well apportioned among the various activities, except in case of finance which occupies thirty-three of the eighty-seven pages. If an auditor's report must accompany a general municipal report then it should be issued as a supplement. The report proper should contain only such summary financial statements as will give the source of money expended and for what it was spent.

Springfield, Ohio. *Annual Report for 1928. By Robert W. Flack, City Manager.* 100 pp.

On the basis of attractiveness this report ranks high. Another feature worthy of special mention is the nature of the letter of transmittal. Mr. Flack gives a brief comparison of amount of work done and costs at the present time and fifteen years ago when Springfield adopted the council-manager form of government. For example, he states the per capita debt on January 1, 1914, was $27.00, now $11.80; cash and investments in sinking fund, January 1, 1914, $198,000, now $754,000. He further observes that in Springfield with a population of 74,000, all the administrative work of the city including that of the manager, the manager's general department, the city treasurer, city clerk, city auditor, city solicitor, purchasing, permit and license department, and all stenographic work, is performed by seven people. Another rather unique feature is the inclusion of four pages of comparative statistics for cities of Ohio. Such data will help the reader to make a more intelligent appraisal of the work done in his own city for it affords him a means of comparing certain costs with similar figures for other cities. The length of this report and scarcity of illustrative material prevent it from ranking among the best.

Clarence E. Ridley.

REPORTS AND PAMPHLETS RECEIVED

EDITED BY WELLES A. GRAY

Assistant Director, Municipal Administration Service

Units of Measurement for Street Cleaning, Refuse Removal and Disposal.—By Clarence E. Ridley, secretary, National Committee on Municipal Standards. Tentative Draft, September, 1929. 23 pp. (Mimeographed). This analysis of the factors involved in setting up measurement standards for street cleaning and the removal and disposal of refuse was prepared for the use of a committee from the International Association of Street Sanitation Officials which is coöperating with the National Committee on Municipal Standards. It should be of general interest, however, in view of the data on street sanitation which it presents. It includes, also, suggested forms for preparing administrative work programs and for reporting actual costs and other data, together with a list of factors to be considered in comparing the unit costs of different cities.

*

Congestion and Its Relation to Important Social and Health Problems as Obtained from the Detroit Housing Survey.—By S. James Herman, Executive Director, Michigan Housing Association. In *City Health,* Bulletin, Detroit Department of Health, July and August, 1929, vol. XIII, nos. 7 and 8. 32 pp. Here is an excellent study of housing conditions in Detroit which devotes particular attention to such social problems as juvenile delinquency, major crime, infant mortality and deaths from pneumonia and tuberculosis. Maps, tables and graphs are included.

*

Salary Survey, Principal Cities of the United States under Civil Service.—By the Department of Civil Service, Seattle, Washington. May, 1929. 4 pp. A complete schedule of the monthly wages paid to the holders of 200 different classes of jobs in 21 governmental units now operating under civil service rules. These units all range from 200,000 to 1,000,000 or more in population, and include 16 cities, three counties and two states.

*

List of Principal Additions to the Library, June–August, 1929.—By the National Institute of Public Administration. September, 1929. 10 pp. (Mimeographed). Although this list simply gives the recent additions to the library of the Institute, it will serve in a most handy fashion as a reference list of the more important materials published recently on government and public administration.

*

Report of the New York State Board of Housing.—March 1929. 96 pp. Legislative Document (1929) no. 95. Those interested in housing reform should obtain a copy of this report, for within its covers are discussed all the ramifications of the housing problem as it exists in New York State. Of particular interest are the collection of data on housing in New York City, the facts and figures on vacancies in old and new law tenements in recent years, and the descriptions of the work of limited dividend housing companies.

*

Salaries of County Officials in Wisconsin, 1929.—Compiled by Celia Harriman, Municipal Information Bureau, University of Wisconsin. September, 1929. 13 pp. (Mimeographed). This compilation brings up to date statistics on this same subject previously issued by the Bureau.

*

Why "Public Credits" is the Logical and Practical Solution of the Housing Problem of the Lower Income Group.—By S. James Herman, Executive Director, Michigan Housing Association. June, 1929. 16 pp. This is a reprint of a paper read by Dr. Herman before the Conference of Town Planning, Institute of Canada, at its 1929 meeting. In it are presented the arguments for and against the use of public credits as a means of providing the capital necessary to finance large scale housing projects.

*

Current Research in Law for the Academic Year 1928–1929.—By Marion J. Harron, the Institute of Law, Johns Hopkins University, 1929. 218 pp. Here is an interesting check list of the pieces of research in law carried on during 1928–1929. The bibliographer and the researcher in law will find this volume useful.

JUDICIAL DECISIONS

EDITED BY C. W. TOOKE

Professor of Law, New York University

Zoning—Mandatory Removal of Nonconforming Business.—In *State* v. *Hillman*, 147 Atl. 294, the Supreme Court of Errors of Connecticut upheld the conviction of the defendant for continuing his business in a restricted district contrary to the zoning regulations of the city of Bridgeport. The ordinance authorized a refusal of a permit to rebuild by owners of a nonconforming business when more than fifty percent of the structures had been destroyed by fire or other casualty. The court upholds such a provision as valid generally, although as applied to the facts of the instant case such a holding may not have been necessary to support the decision. The defendant's business was that of repairing, steaming and burning barrels which had been used to hold oil, fish, pork products, etc., and the operation resulted in the emission of noxious odors and heavy smoke. The court expressly holds that the business constituted a nuisance. If necessarily such in fact, the power of the city to abate it, or to refuse permission for the restoration of buildings to be devoted to such use, cannot be seriously questioned.

✣

Streets—Vacation—Effect on Rights of Abutting Owner.—In *Young* v. *Nichols*, 278 Pac. 159, the Supreme Court of Washington affirmed a judgment enjoining the erection of a building upon part of a public court, which the city authorities had voted to vacate. The owners of property on one side of the court had petitioned to have the public right in a strip of land contiguous to their property vacated and the lessee of one of them planned to erect a building covering part of the area. The court held that the action to vacate was ineffective so far as the petitioner, a nonconsenting abutting owner, was concerned; that his special rights could not be taken away without compensation; and that the facts showed that the purpose of the action was not to serve the public but a private interest.

In *Anderson* v. *Nichols*, 278 Pac. 161, the same court held void, as against an abutting owner who had not consented to or been compensated for, a license granted by the city for a valuable consideration to a private person for the purpose of extending his market stalls. The opinions in these cases refer to numerous decisions of the same court, which has uniformly vindicated the right of abutting property owners in streets against encroachments by private persons or public authorities.

✣

Automobiles—Effect of State License Tax on Powers of Municipality.—The Supreme Court of Georgia, in *City of Waycross* v. *Bell, et al.*, 149 S. E. 641, affirmed a judgment enjoining the city from proceeding to collect an occupation tax from operators of motor bus lines under a municipal ordinance. A State Tax Act expressly exempted operators who were required to pay a state license tax from local municipal license tax. The city claimed that this exemption did not prevent the assessment and collection of an occupation tax, that the tax was in effect a revenue measure rather than a license tax such as was forbidden by the statute. But the court held that the term "license tax" included both a charge imposed under the police power and a tax imposed for the sole purpose of raising revenue. Accordingly, the particular portion of the tax ordinance which sought to impose a tax upon a business exempted from municipal taxation by the state of Georgia was invalid.

There was a single vigorous dissent by Gilbert, J., based upon the rule that equity does not afford the extraordinary relief of injunction against a municipality merely because the enforcement of an ordinance may result in serious injury. The majority of the court, however, seemed to doubt the efficacy of declaring the ordinance invalid and affirmed the order enjoining its enforcement.

✣

Torts—Statutory Liability of School Districts.—In *Dawson* v. *Tulare Union High School District, et al.*, 276 Pac. 424, the California District Court of Appeal, Third District, reversed a judgment of nonsuit in favor of the district for injuries received by a pupil due to the fall of an upright piano from a "dolly" in the school gymnasium. The piano had been left in an unstable position so long that the notice of its dangerous condition was brought home to the school authorities. The judgment dismissing the action as against the school directors was sustained. The California statute (Statutes 1923, p. 675) imposes liability upon school districts, as well as upon counties and other municipalities, for damage due to negligence in the care of the buildings and grounds, provided the corporation has notice of the defect. But the statute does not require actual notice; the long-continued existence of a dangerous condition may establish constructive notice. Knowledge by an officer who has authority to remedy the condition will be notice to the corporation. The California statute is an enlightened piece of legislation, which should be enacted in every state which still clings to the now archaic principle that liability in tort is to be determined by applying worn-out tests of governmental or proprietary functions.

✣

Home Rule—Municipal Functions—Operation of an Ice Plant.—In *City of Denton* v. *Denton Home Ice Co.*, 18 S. W. (2d Series) 606, the Commission of Appeals of Taxes, Section A, holds that the city under its home rule charter may erect and operate a plant for the manufacture and sale of ice to residents. The statutes give the city the express power "to manufacture its own electricity, gas or anything else that may be needed or used by the public; to purchase and make contracts with any person or corporation for the purchasing of gas, electricity, oil or any other commodity or article used by the public and to sell the same to the public upon such terms as may be provided by the charter." The charter provides for the raising of funds for the purchase or erection, and operation of any public utility. The court concludes that the manufacture and sale of ice may be a public utility and that under the statute and the charter the city has power so to constitute it. This answer to the questions certified to the court was practically a direction to the lower court to dissolve an injunction which had been granted against the proposed action of the city authorities.

✣

Attachment of Municipal Property by a Foreign Jurisdiction.—In *Harmon* v. *City of Fort Lauderdale, et al.*, 234 N. Y. S. 196, the Supreme Court of New York, Special Term, sustained an attachment levied against the securities of the defendant, the Broward County Port Authority, a public agency of the state of Florida. The defendant maintained that the certificates of indebtedness and bonds were public property, funds and revenues of said municipality held for public purposes. The court held, however, that the purposes for which the Port Authority was created were primarily private and proprietary in nature and that therefore they were not to be considered exempt from attachment. The courts of this state uphold the jurisdiction of local courts over foreign municipal corporations and refused to follow the decisions in some of the other states such as Illinois, Maryland, and Tennessee, exempting them from suit because such actions would seriously embarrass them in the exercise of their governmental functions.

The rule uniformly applied is that the property of municipal corporations used for governmental purposes is exempt from attachment and execution. The term governmental as used in this connection is much broader than when used to predicate exemption from liability in tort. Thus municipally owned utilities are considered to be proprietary so far as liability in tort is concerned, but the property of the waterworks department of a city is uniformly held to be exempt from execution. The cases cited by the court to sustain its position that the functions of a public Port Authority are private and proprietary in nature relate to the application of that term to other matters than liability to execution. While the reasons given for the decision of the court seemed to be erroneous, the effect of the ruling is not a serious interference with the activities of the defendant as it may obtain the release of the attachment by filing a bond to secure the plaintiff on any judgment that may be rendered. Upon this latter ground, that the attachment will not seriously interfere with the activities of the municipality, the decision may be supported.

✣

Ultra Vires Contract: Recovery Against City for Benefits Received Under an Invalid Agreement.—In *City of Bristol* v. *Dominion Nat. Bank*, 149 S. E. 632, the Supreme Court of Appeals of Virginia refused to permit the defendant to recover on a counter claim based on a quantum meruit count for benefits received under an ultra vires contract entered into by the city and a group of property owners who sought to improve their land for subdivision. The action was for unpaid taxes and the answer set up an agreement between the city and the defendant to exempt the property from taxation for a period of ten years. This agreement was held to be void under the express prohibition of section 183 of the state constitution restricting exemptions from taxation. The court held that the contract could not be sustained as an agreement to pay taxes in advance, since the assessed value of the land in ten years or the future rate of taxation would not be uniform and was therefore void under section 168 of the state constitution. Nor could the contract be enforced by virtue of its being executed or ratified. The court further held that the fact that one of the members of the counsel was interested in the development rendered the contract void as against public policy, even though he had refrained from voting upon the resolution.

The contract to exempt property from taxation being indivisible and accordingly void in toto, no part of it could be upheld. The city would not be liable on a quantum meruit for benefits received under such a contract, since there can be no obligation implied in law when the act sued upon is itself illegal. The improvements, though public in nature, were voluntarily made and under the circumstances it would be against public policy to permit the defendant to recover for the expenditures made by them.

*

City Manager Plan—Indiana Law Declared Invalid.—By a decision handed down September 24th, not yet reported, the Supreme Court of Indiana in the cases of *Keane* v. *Remy, et al.*, and *Keane* v. *Holmes, et al.*, held that the "Act to provide alternative forms of government for cities" was void. The actions were brought against the defendants as election commissioners to restrain them from expending moneys of the city of Indianapolis for holding an election on November fifth, 1929, for the purpose of electing city commissioners under the city manager form of government. The statute in question was adopted in 1921 (Acts 1921, ch. 218, p. 594). Under the act, an election was held in June, 1927, at which the majority of votes were in favor of the city manager plan. The attack made upon the constitutionality of the statute and the proceedings already taken thereunder by the city were based upon the provision of section 3, which requires that the petition preliminary to such an election must be signed by at least twenty per cent of the qualified voters at the preceding general city election and that the city clerk within five days after such petition is filed shall examine the same and certify that the requisite number of qualified voters have duly signed the same. In the city of Indianapolis there were more than 95,000 voters at the general election prior to the 1927 special election and the petition therefore required the names of some 19,000 qualified voters. The court holds that the duty of the clerk was judicial and could not be delegated, that it was a physical impossibility for him to personally examine and certify as required by law, and that therefore the election of 1927 was a nullity. Section 3 was therefore declared to be impossible of application to the city of Indianapolis and void and of no effect. As the law is one intended to be of general application and so required by the state constitution, its failure to be operative in one city renders the entire act unconstitutional.

Judge Martin wrote a strong dissenting opinion, concurred in by Chief Judge Gemmill, in which he maintained that the duties of the clerk were ministerial and administrative, had been duly performed and were not subject to attack at this late day. It seems clear that the duties of the city clerk might well be construed to be ministerial rather than judicial; under the facts, as they appear, the conclusion seems inevitable that such was the intention of the legislators and such intention by the accepted canons of construction should govern.

The decision of the court seems especially unfortunate as it affects not only the movement for better government in Indianapolis, but also upsets the organization of other cities which have taken advantage of the provisions of the act.

PUBLIC UTILITIES

EDITED BY JOHN BAUER

Director, American Public Utilities Bureau

This department has been conducted for the purpose of presenting and discussing currently the more important public utility developments from a public standpoint. Considerable attention has been devoted to the subject of policies and methods of ratemaking. In our opinion, based upon quite extensive research and personal experience, the commissions are working with an unmanageable and unsound rate base. They are following generally the doctrine of "fair value" as laid down by the courts, which is not precisely defined, and which is not capable of exact and convenient administration. It is, moreover, financially unsound, inasmuch as it involves variations which do not depend upon actual costs incurred by the companies in establishing the properties and furnishing the service.

Besides the matter of rate base and procedure in ratemaking, other difficulties or gaps have developed in our systems of regulation since they were established about twenty-five years ago. They include dealings with holding companies, the development of interstate service connections, also questions of organization and functions.

As previously set forth in this department, a searching investigation was provided for in the state of New York by the last legislature. A special Revision Commission was created and has been conducting hearings. It has invited criticisms and constructive proposals from every direction. Among the various public groups that appeared, was the Utility Consumers' League of New York, which developed out of the rate controversies of recent years. It has devoted itself not only to particular cases, but has been concerned also with the general system of regulation. It has become convinced that the difficulties with which the public is confronted are due principally to the inadequacies and gaps of the system, and much less to individual propensities of commissioners.

This League was represented by Maurice Hotchner, general counsel, and Joseph B. Milgram, Secretary, 200 Broadway, New York City. A concrete program for the revision of the Public Service Commission Law was outlined, and was presented to the Revision Commission for due consideration. This program has been widely circulated among public organizations, with the purpose of centering public-minded groups upon the particular proposals. For the most part, it is in agreement with the ideas presented in this department during recent years, and, to a considerable extent, was predicated upon the writings of the editor, particularly upon the discussions in this department. We consider the program as fundamental not only in New York, where regulation is under active public scrutiny, but equally important wherever the prevailing system has come under public criticism and where there is honest search for effective modification. We therefore present the program in full, and shall be glad to receive comments and suggestions which will be useful not only in New York, but in our further consideration of regulation.

PROGRAM SUPPORTED BY THE UTILITY CONSUMERS' LEAGUE FOR THE REVISION OF THE NEW YORK PUBLIC SERVICE COMMISSION LAW

The Utility Consumers' League of New York has given careful consideration to the present system of regulation under the New York statutes, and is convinced that radical revision is necessary with respect to the following extremely important points:

1. Valuation and Rate Base

The chief defect in the present system is the lack of a definite rate base upon which the companies are entitled to a return. This is due in part to the vagueness of the statute and partly to a line of court decisions which, under the present system, have largely left the Public Service Commission without capacity to adjust rates for the larger number of properties operated under widely varying conditions.

The present rate base is intended to consist of the "fair value" of the properties used in public service. The amount depends upon reproduction cost, actual cost, and other elements which are not capable of exact and regular determination. Hence, every effort of rate adjustment produces sharp conflict of interest between the companies and the public. The procedure is cumbersome and expensive. The system is unmanageable from an administrative standpoint, and is financially unsound.

What is needed is the establishment of a definite rate base which will be regularly shown in the accounts of the companies subject to regular and consistent supervision by the Commission. To provide for the establishment of such a rate base, we deem to be the foremost task of this Commission. Without such an exact basis of ratemaking, regulation is bound to be largely futile.

2. The Commission to Represent the Public

The original intention of the Public Service Commission Law was to establish an agency which should represent continuously the public interest, to the end of assuring adequate service at reasonable rates. In actual experience—perhaps largely through a succession of court decisions—the Commission has been transformed mainly into a judicial body. It sits as a court in cases that are brought before it; it receives testimony from opposing parties, and bases its decisions upon formal records. Except in rare or minor matters, it does not work directly and constantly for the protection of the public. It should be brought back to the function originally intended: the direct representative of the public. It should operate under an exact system of regulation as laid down by statute, and should act merely in administrative capacity in assuring adequate service and reasonable rates under conditions of maximum economy and minimum costs placed upon the public.

3. Municipal and Consumer Representation

Under the present law, no municipality has the legal right or status to appear in a rate or other public utility action. Where cities have appeared before the Commissions they have been there by tolerance and not as a matter of right. The same is true of public organizations, except in the case of individuals who are directly affected by any particular proceeding.

The law should be changed so as to give every municipality the right to participate in every utility case. This should apply also to consumers and consumer organizations, and to any group which has a real interest in the subject-matter. This right should pertain not only to actions before the Commission, but to cases before the courts.

4. Constant Action by the Commission

Under the system here proposed, the return to which any company is entitled would be shown by the accounts. It would be a simple matter in any instance to determine whether higher or lower rates are necessary or warranted. The Commission would then have its time free to work directly and steadily for the interest of the public in promoting efficiency, improved facilities, and better organization, to the end of making adequate service available to the public at minimum cost, with definite returns to the companies. The Commission should have technical staffs adequate to carry on this work effectively, with salary standards to attract and keep good men. Appointments should be based upon technical efficiency and public interest. The work of the Commission should serve in large measure to counteract the lessening of incentive which may follow the more exact standards of regulation and which may be due to the monopoly conditions of the utilities. Regulation must replace competition as the active force of progress.

5. Capitalization and New Construction

At present the Commission exercises virtually no power over new construction. It has control only over the securities issued, and virtually must give its approval after the construction has been completed, even if there is doubt as to the wisdom of such construction. It should have full power over construction programs. Every important extension proposed by the companies should have the prior approval of the Commission, which also should exercise supervision over construction and should certify for capitalization only the actual and reasonable costs of installation. The Commission should have power also to determine on its own account what changes, improvements and extensions are necessary and to order their installation. Only actual cost as reasonably determined should be allowed by the Commission as the basis of new security issues.

6. Holding Companies

The Commission now has virtually no control over holding companies. This is an extremely serious gap in the law. It has resulted in excessive costs imposed upon the public, and in helping to destroy the effectiveness of regulation. Directly and indirectly, it has imposed charges upon the public, without a record of costs to the Commission, and without control over their reasonableness. The Commission should be given complete control over every holding company relation. Every contract between an operating company and holding or affiliated company, should be subject to approval of the Commission, which shall require full details as to materials, property, or service rendered and their actual cost to the affiliated interests. The Commission shall require complete financial reports from every holding company or affiliated company which in any way exercises control or has contracts with any operating company within the state. Such reports shall be as complete as in the case of operating companies. The Commission shall have power to examine the books, and to determine the reasonableness of all payments made to any such affiliated interests.

7. Public Ownership and Operation

Since every public utility has virtually a monopoly in its territory, and since this monopoly is fostered by law in the interest of the public, and since every system of regulation has been established for the purpose of protecting the public against arbitrary monopoly power, it is desirable also to give every municipality the right to institute public ownership and operation within its own territory. There shall be the right, moreover, to institute public utility districts, including the territory of two or more municipalities or other subdivisions of government. Whenever such a policy of public ownership and operation is instituted, any existing facilities shall first be purchased at a price equal to the valuation of the properties upon which the companies have the right to a return.

While we do not espouse directly the doctrine of public ownership and operation, we believe that the right to proceed with such a policy should be left to every governmental subdivision, including the state itself. The existence of such a right will serve greatly to prevent arbitrary action on the part of the companies and to stimulate activity for the benefit of the public. This right is needed to supplement any direct system of commission regulation.

8. Industrial Court

Notwithstanding the great reduction of judicial questions by the plan of regulation that we propose, we believe that a special industrial court should be created, which would have jurisdiction with respect to all matters of dispute that may arise out of orders and decisions of the Commission. This court, moreover, should have jurisdiction over all other matters that arise out of the actions of special commissions or administrative bodies of the state. Unless any order of the Commission is directly accepted by the company, it shall be deemed incomplete until it has been passed by the industrial court. The Commission will thus be relieved of all judicial responsibilities. The creation of a special court, moreover, will provide a practical measure by which all local utility cases can be kept, in the first instance, within state jurisdiction. It will meet the evil that has developed on the part of the companies when they go to the federal courts for relief from commission orders and decisions. The industrial court would be controlled by the statute which would determine the basis and methods of regulation.

9. Commission Appointments

Appointments to the Commission must be raised to a much higher level than has generally prevailed in the past. Every new commissioner as appointed should have outstanding qualities with respect to technical training and experience in the field of public utilities. He should have, moreover, a recognized interest in public affairs; he should have no affiliations, directly or indirectly, with any public utility company. He should, however, be in every way fair, so as to protect not only the interest of the consumers but those of the investors and the many thousands of employees in the utilities. The salaries should be sufficiently high so as to obtain the exclusive and constant attention of every commissioner to the public responsibility.

10. Financing the Commission

To make the Commission the active agency upon which the public may rely, it must maintain a large and efficient staff to maintain the constant contact with the industry and the various companies and properties. The annual expenditures of the Commission must of necessity be increased. To meet the expenses of such a commission, we believe that a special levy should be made upon the gross earnings of the utilities. The Commission shall each year prepare a budget of the necessary expenses, and shall fix a sufficient percentage levy upon the gross earnings of the companies under its jurisdiction, so as to cover the estimated expenses. In this way the utilities themselves and the consuming public will bear directly the cost of providing the public protection in these important industries in which a monopoly has been recognized in our system of law.

11. No Unreasonable Spread of Rates

At the present time electric rates in general appear excessive in most communities of the State. This is true especially of domestic or residential rates. It is less true of commercial, and, particularly, power rates, where the consumers have available alternative supplies. There are instances where power rates are lower than is justified by the cost of production and delivery.

The present electric rates structures are chaotic in the extreme, both as to general level, form and spread or differentiation between various groups. There is great need for the establishment of uniformity of rate structure throughout the State. It is particularly necessary to reduce the wide spreads that exist between the small domestic consumers and the large users.

There should be no device or method of cost calculation by which arbitrary and excessive burdens are placed upon small consumers. While we believe that rate schedules should be constructed with the purpose of stimulating maximum utilization of facilities, this should not be accomplished at the expense of the smaller users. The bulk of the people in most of the cities can never become large users of electricity, and they should not be burdened with excessive rates, either for the purpose of keeping up excessive revenues to the companies, or to make possible very low rates for the convenience of the well-to-do customers. The poorer people should share in the benefits of economy and low costs.

12. Proper Publication of Rate Changes

The Commission at present provides that publication of new rates or changes in rates is sufficient if the tariff or schedule is filed with the Commission and copies posted in the main and branch offices of the utility company. Under this provision, companies have been able to secure important rate changes and increases without effective notice to the public. The result has been that the period in which protest might have been made, with suspension of the application, had elapsed before the customers had knowledge of the changes. Through no fault of their own they forfeited money, and also, their rights to investigate modifications before they were permitted to go into effect.

In the Brooklyn Borough gas rate case, the Commission on August 1st, 1927, granted a rate increase to the company, without real public notice. When many of the customers first learned of the new rate from bills rendered more than 60 days after the rates officially went into effect, they commenced an action which took 21 months before decision was reached, costing the Commission, city and consumers much time and money, but resulting in two rate decreases for the consumers. No such change should have been allowed before thorough public notice and investigation. There have been many similar instances which hereafter should be prevented by statute.

We believe that "publication" of rate changes should be complete, and in advance of their going into effect. Customers should be given notice in their bills at least two months before the changes would go into effect. There should also be special newspaper publications as news, not merely as legal notices. It is absurd to expect that hanging a 15- to 20-page pamphlet in one main office and three branch offices, rarely visited by consumers, can give sufficient notice of a rate increase to the customers, as in the Brooklyn Borough gas rate case.

13. Clarification and Enforcement of Statute Prohibiting Service Charge

Article 4, Section 65, Sub-Division 6 of the Public Service Commission Law prohibits a service charge as a part of gas rates. We believe that the intention of the Legislature was clear as to the purpose and effect of this provision. The meaning of "service charge" is thoroughly understood by all who are conversant with public utility rates. Notwithstanding this clear prohibition, the Public Service Commission nevertheless has countenanced the establishment of an indirect service charge in the form of so-called "initial charge" rates in at least 37 instances. In the recent decision in the Brooklyn Borough

Gas Co. case, the Commission has declared that the initial charge of $1.00 per month per customer for the first 200 cubic feet of gas or less per meter per month does not violate the statute.

We are firmly convinced by our investigations and experience that the service charge is inequitable to the small consumers. The legislative prohibition is entirely proper and should be unmistakably continued. While we insist the statute has been clear (and has been made to appear ambiguous or dubious in meaning by the Commission itself), we believe the language should so be clarified as to express its purpose in unmistakable terms: That the service charge shall be illegal in any form whatever, particularly the form of an initial charge rate wherein a small quantity of gas is allowed in the amount of what otherwise is manifestly a service charge.

As a result of our experience in several rate cases, the defects mentioned in No. 12 and No. 13 stand out as having created most difficulty for gas customers, as having been responsible for higher rates, and for causing general dissatisfaction with the actual administration of the statute.

MUNICIPAL ACTIVITIES ABROAD

EDITED BY W. E. MOSHER

Director, School of Citizenship and Public Affairs, Syracuse University

Self-Government and the Metropolitan Area.—The rapid development of metropolitan areas in Germany is looked upon by Oberbürgermeister Böss of Berlin as a menace to the normal growth of civic interest in Germany. The very size of these new administrative units makes it practically impossible for any considerable number of citizens to participate in the administration of the government. This is evidenced by the number of representatives elected to the council of a large city. For instance it has been proved that in cities of 5,000 inhabitants there is on the average one representative for every 450 inhabitants. In medium-sized cities of about 30,000 inhabitants there is one representative to a thousand, whereas in a metropolitan city there will be but one representative to seven or eight thousand. Indeed in Berlin the ratio is one to 19,000.

In view of the complexity of the duties involved in municipal administration it is becoming more and more difficult to depute responsibilities to others than officials. For instance, the number of members of various advisory commissions, boards of arbitration and the like, is decreasing as a matter of course. As a consequence the sense of responsibility for local self-government is waning. Furthermore there is increasing apathy in many parts of the citizenry to matters of communal interest.

The situation seems the more serious to the Oberbürgermeister because the city is normally the chief center for the development of ideas of self-government. If the citizen does not become aware of his public responsibilities in the city he is not likely to in the state or in the nation. Accompanying this probability is the growing tendency to turn over the representation of the public to professional politicians or to those who have an axe to grind.

As one of the chief dangers in the tendency toward centralization is that any type of state will easily evolve into a police state, it is therefore logical that this article concludes with a plea for the autonomy of the city as opposed to the centralized control, whether it be of the province, the state or the empire.—*Der Städtetag*, May 21, 1929.

German Municipal League.—The German and Prussian Municipal Leagues consist of individual cities as well as organizations of groups of cities. Cities with a population of more than ten thousand inhabitants become regular members while those of less than that number may become associate members. In the year 1928–29 the total membership included 283 cities with a population in excess of twenty-six million inhabitants.

The scope of the activities of the combined Leagues is indicated by the character of the standing committees. According to the report it is obvious that the assignment comprised all of the important interests arising in municipal government. For instance, there was a committee on finance, another on administrative reform, one on personnel, one on schools, welfare, statistics, economic undertakings, transportation and the like.

Among the reports considered during the year just closed was one dealing with the proposals for the demarcation of functions as between the empire, the state and the commune. Suggestions or recommendations were made with reference to all of the important problems that may arise in the borderland territory between these several organization units, such as the rights of officials, the administration of the police system, schools, and public welfare.

Statistics are given which show concrete evidence of the extent of the activities of the league. It is pointed out that the permanent staff consists of twenty-two scientific workers and fifty clerical assistants. In the course of one year over eighty-three thousand communications were received by the staff and the number of letters and the amount of printed material sent out were estimated at one hundred and forty-eight thousand.

The organ of this national association of cities is *Der Städtetag* which appears monthly.—*Der Städtetag*, September, 1929.

◆

Social Welfare.—A summary of the various laws regulating social welfare in thirteen European countries appears in the sixteenth issue of *Der Evangelische Wohlfahrtsdienst.* The survey is most comprehensive in scope, covering all the important laws for social welfare and their relation to private welfare work as well as the results achieved. This statement is supplemented by an extensive list of pertinent literature.

Social welfare legislation is classified under five headings: (1) The welfare of children and young persons; (2) Poor laws; (3) Social insurance; (4) The care of men disabled in the World War; (5) Measures to combat tuberculosis, venereal disease and drunkenness.

The review under consideration limits its attention to the welfare of children and young persons, a section being devoted to each of eleven countries. Taken as a whole, it appears that there is practically no important aspect of the life of the child upon which some legislation has not been passed in one country or another. The range covered begins with pre-natal care and extends to the state provision of funds for underprivileged children in the university. Among other things legislation has been passed providing for the proper care of defectives, illegitimate children, those whose physical or moral welfare is menaced at home, vagrants, and those lacking educational facilities.

Several countries have adopted legislation prohibiting the attendance of children under sixteen years of age at motion picture plays unless these plays have been specially passed upon by an official or local committee.

In the case of each country reference is made to the type of organization which is responsible either on a nation-wide or local basis for administering the laws aiming to protect and advance the welfare of children. The installation of juvenile courts in the countries covered seemed rather general although in Russia the juvenile court was abolished in 1918 and the control given over to committees which consist of one schoolmaster, one judge and one doctor. In France subsidies are supplied to families with insufficient means and consisting of three or more children under seven years of age, the cost being divided equally between the commune and the state. Weekly payments are also made for one year after childbirth to women who lack means of support. So far as this summary goes, France is unique in having instituted a Superior Birth Council for the purpose of combating the decrease in the birth rate. This is a national organization with a minister as chairman and under the control of a commission appointed in each department of the state and sitting under the prefect as president.

Austria forbids children under fifteen years of age to smoke in public, to purchase tobacco, to frequent public bars, cafés, etc., or to engage in games of chance. Even public loafing is forbidden after nine or ten P. M.

The basic purpose of the welfare laws which affect the children of the German Empire is expressed in the following way: "Every German child has the right to an education, for physical, spiritual and social excellence, and in so far as this right is not fulfilled within the family, the public must step in."

These references will indicate the character of the condensed encyclopaedic article which was prepared by Dr. Hermann Stoehr in the issue of *Der Evangelische Wohlfahrtsdienst* quoted above. —*Local Government Abroad*, October, 1929.

✣

Regional Planning.—Representatives from the section of the Rhine and the Main met together last April for the purpose of organizing an association for a regional plan for this whole district. The purpose of this association is to keep in touch with the various cities involved so that there development may take place according to a unified program. Among the more specific objects are the taking of a picture from the air of the whole region, and the working out of a transportation plan between the various communities as well as plans for the proper distribution of open spaces, new settlements and the like. Nine cities of considerable size have up to the present time joined the association. These include Darmstadt, Mayence, Wiesbaden, and Frankfurt.—*Der Städtetag*, May 21, 1929.

✣

Public Housing Scheme.—Manchester is building a garden city on a large scale. The immediate housing program calls for the erection of one hundred and forty-two houses by direct labor. The ultimate plan provides for nearly twenty-five thousand houses, the whole unit to be surrounded by an agricultural belt. Important features of this municipal housing scheme are the setting aside of lands for public recreation, the preservation of certain buildings and woodland features. A golf course is also included in the plan.

The town of Walsall has a less ambitious but none the less noteworthy housing plan. Nearly twenty-two hundred houses are already occupied by householders, whereas the proposed plan calls for the erection of forty-five hundred. It is to be noted that because of a reduction in the cost of house building there is to be a general decrease in the rent charged by the housing department of the town.—*Municipal Journal*, October 18, 1929.

✤

Consumption of Gas.—Since the War there has been a noticeable increase in the consumption of gas in North Germany. This is due to the increasing use for heating and industrial purposes. Certain industries have given up coal almost entirely. The rise in consumption obviously has been due to a decrease in cost. The lowering of prices is made possible by the consolidation of gas works into large units. Indeed it seems possible that in the not distant future a limited number of gas works may supply the whole province. This development may be accompanied by the importation of "distant gas" generated at the coal mines themselves. One of the most significant recent developments is the consolidation of gas works in and about Berlin. This included seventeen different units. Of these seven have been closed down in the meantime, as it has been found more economical to supply the gas from nearby works.

In the matter of consumption, the average per capita use among about twenty-five cities in Brandenburg is highest in Berlin. This amounts to 153 cubic meters.

The day is anticipated when there will be a network of gas pipes covering the whole province. These will supply not alone the homes and small industries but also the farmers, who may secure this convenient form of energy at a price that will be reasonable for the consumer and profitable to the producer.—*Zeitschrift für Kommunalwirtschaft*, October 10, 1929.

✤

Residential Restrictions Removed.—One of the predominant tendencies in the administrative reforms taking place in Germany at the present time is that of decentralizing so that the autonomy of the individual countries with respect to the empire may be maintained and developed. This decentralization increases the need of emphasis upon the community of interest which must finally permeate the whole Empire if it is to progress. The most essential means to this end is the public officials who are or should be the bearers of this spirit. In order to bring this about it is considered important to emancipate the officials from the limitations of residential requirements.

It is suggested that this may come about through a more active exchange of officials as between provinces and cities. A second means is the selection of public officials from various parts of the country, thus bringing in a wider outlook and different type of professional experience and a different viewpoint. It is well known that Germany has long adopted a policy of appointing non-residents to local positions. That is to say, that local patriotism has not succeeded in restricting the appointment of public officials to local residents. This observation holds particularly with reference to the German metropolitan cities. Evidence of this has just come to light as a consequence of a questionnaire forwarded to twenty-five or thirty cities. It was found that of 299 members of the magistracy 60 came from other parts of the empire and of 1928 higher officials 527 were non-residents. It is also noteworthy that considerable numbers of the officials in selected cities had their specialized training in another province or another country. Among 781 Prussian provincial officials 284 were born in a different province than the one where they were serving, 306 in another Prussian province, 147 in a non-Prussian state, 44 in a foreign country or a former part of the German Empire.

This open-door policy with reference to the appointment of officials may be looked upon as a guarantee of coöperation and the integration of the methods of public administration throughout the country.—*Der Städtetag*, May 21, 1929.

✤

Exhibition of Office Facilities.—The German Institute for Economy in Public Administration announces that its exposition entitled the Modern Public Bureau has been greatly extended. There are now nine rooms devoted to the various devices and means of improving the conduct of the governmental bureau. There are all sorts of forms from various types of governmental organizations to card catalogues, multigraphing machines, typewriters, various processes of bookkeeping, and the like. Provision is made for competent guides. All officials whether from the empire, the state, or the local community are invited.

This same Institute arranged last spring for a special course on the technique of office administration for the officials of German cities. The emphasis was upon practice rather than theory, but particularly had reference to the organization and distribution of work and the technical aspects of running an up-to-date public bureau. —*Der Städtetag*, May 21, 1929.

GOVERNMENTAL RESEARCH ASSOCIATION NOTES

EDITED BY RUSSELL FORBES

Secretary

Recent Reports by Research Agencies.—The following reports have been received at the central library of the Association since October 1, 1929:

Finance Commission of Boston:
Investigation of Payments for the Construction of Hyde Park High School.
Study of the Work of the Soldiers' Relief Department.
Taxpayers' League of St. Louis County (Duluth, Minn.):
Memorandum on the Cost of Schools.
Bureau of Governmental Research, Kansas City, Kansas Chamber of Commerce:
The Proposed City Pension System.
Civic Affairs Department, Indianapolis Chamber of Commerce:
Civil City of Indianapolis, Budgets and Tax Levies for 1930.
1930 Budget of the School, City of Indianapolis.
1930 Budget and Tax Levies for Marion County.
Schenectady Bureau of Municipal Research:
The Proposed 1930 City Budget.
Toronto Bureau of Municipal Research:
Motoring Safety, Story No. 1.

✤

California Taxpayers' Association.—Report No. 22, "An Analysis of the Governmental Organization and Expenditures of Solano County, California," has come from the press and is now being distributed. The report consists of three main sections: (1) governmental organizations and financial structure; (2) the highway system; and (3) education. A detailed study has been made of population growth, assessed valuations, tax rates, per capita costs, receipts, disbursements and all county institutions.

Progress is being made on the study of building costs in California, with special emphasis on the cost of school buildings. *The Tax Digest* will, from time to time, carry the findings made in this study.

All of the field work in the survey of the Pasadena city government and educational system has been completed. Tabulations and compilations are now being made, and it is expected that within six months the report will be made public. Considerable time has been given to the study of the structure of the Pasadena city government.

A study of per capita fire losses in selected California cities has been completed by the research department. The study shows that losses in thirteen California cities for 1928 ranged from a low of 43 cents per capita to a high of $4.44 per capita.

The Association is now engaged in a study and analysis of the cost of administration and teaching at the University of California at Berkeley and at Los Angeles. The field work is now in progress, and it is hoped within six months to make public the findings of the study.

The campaign for membership which has been undertaken under the direction of Rolland A. Vandegrift, now secretary of the organization, is being pushed energetically, and a considerable number of taxpayers have recently joined the organization. The newest county unit of the organization is Marin County, with a population of approximately 32,000 people and an assessed value of $28,000,000.

✤

Des Moines Bureau of Municipal Research.—The Bureau assisted in working out the maturities of a new city general obligation bond issue of $516,000 to take up deficits in special assessment bonds. This was made necessary by the decision of the Iowa Supreme Court which holds the city liable for deficits in special assessment bonds under certain conditions. The maturities have been so arranged that a city hospital bond issue of $95,000, the entire principal of which comes due in 1933, and a portion of a $300,000 refunding bond issue, which comes due in 1936, can be paid off without raising the tax levies for debt charges in those years. This will permit a saving of many thousands of dollars interest in future refunding charges.

The Bureau also analyzed the 1930 city, state, county and school tax budgets and urged in every instance that they be held down as much as possible. The total tax levies on property in the city of Des Moines will amount to about $7,559,000 in 1930 as compared to $7,270,000 in 1929. The increase was due to raising the state tax levy $121,000, the school $131,000, the city $73,000 and county hospital $30,000. The county tax budget was reduced $67,000.

An investigation by the Bureau for the board of supervisors showed that in the county and state hospitals for the insane, collections from relatives and guardians of patients has fallen off materially since 1928 when the service of a special collector was discontinued. Many old patient accounts are in arrears, and insufficient effort is being made to collect new ones. The Bureau recommended that action be taken to make these collections as a partial offset to the county tax levies for the support of the insane.

Investigation of the purchase of drugs used in the county pauper farm, insane hospital, and jail showed that these are purchased in small quantities at prices greatly in excess of current wholesale prices. Practically all these purchases have been made through one local druggist without requisitions through the county purchasing supervisor. The Bureau recommended that staple drugs be purchased in large quantities, that all requisitions be made through the purchasing supervisors, and that competitive quotations be obtained.

In view of the impending examinations for police officials above the ranks of patrolmen, to be held by the Des Moines Civil Service Commission, the Bureau prepared a report showing prevalent practices of other cities. In the past, police officials above the rank of patrolmen have been appointed by the commissioner of public safety, with frequent changes following elections of new commissioners.

At the request of the trustees of the Des Moines Water Works, a municipal utility, the Bureau investigated the wage and salary scale and hours of work.

*

The Good Government League of Fort Worth.—When the Good Government League undertook the development of a bond program for the city, it discovered that the margin available for new issues under the New York 12 per cent Savings Bank Law was only about $5,800,000. A schedule was drawn up calling for the voting of $5,000,000, and attempting to care for two years' needs of each department.

An amount of $2,500,000 was included in the program for schools. Disregarding the pleas of the League that they conform to this, the school board called an election for October 26, asking for $4,000,000, estimated to be sufficient for four years. The League did not feel that it should engage in an active fight against the issue, but it did make public its interviews with the school board over the amount.

Based on this data, which showed that other much needed improvements would have to be postponed, the newspapers began an active fight on the issue. The outcome was a two to one defeat of the issue. It is understood that an election for $2,500,000 will be called at the earliest possible date, about April 26. Meanwhile, on April 5 the terms of four of the seven board members expire. No opposition has yet appeared, but it seems inevitable in view of this defeat.

*

Institute for Government Research.—Henry P. Seidemann is now at work in Santo Domingo in the preparation of the budget recommended by the Dawes Commission. Mr. Seidemann and his associates are also devising a uniform departmental accounting and reporting system for the comptroller and auditor-general's office.

*

New Bedford Taxpayers' Association.—The Association has been represented before two legislative commissions this past month. One commission is studying the proposed extension of the educational requirements in the state of Massachusetts. The Taxpayers' Association has objected to any increase in the compulsory school age because any such increase would be an additional burden upon the taxpayer at a time when the cost of education has increased very much faster than any other item of government. The state of Massachusetts already stands high in its educational requirements, and we cannot see why the compulsory age should be increased at this time.

A special commission, studying the entire matter of state civil service, also held a hearing. The Taxpayers' Association requested that changes be made in the civil service laws so as to restore the civil service as a merit system. In Massachusetts the State Civil Service Commission has under its charge the entire civil service list of all the cities in the state, as well as the state employees. From the standpoint of the efficiency of the operation of the city departments, this system has many serious objections. It is hoped that some changes may be made in this law so that the conscientious heads of the city departments may have at least a fighting chance to build up an efficient personnel which is not the case to-day.

✣

The Taxpayers' Association of New Mexico.—The Association has completed a survey of the extent to which central purchasing prevails in the financial administration of rural schools. The rural schools are under the supervision of a county board of education, which supervises all purchases. In the preparation of the budget it has heretofore been the custom to set out a special appropriation for school supplies, janitor supplies, and library supplies for each school district. As a matter of fact the practice is to lump these appropriations in a general fund to be expended by the county board of education through the office of the county superintendent of schools. In a few counties of the state it is found that ap propriations for fuel are combined in a similar manner.

The Association has also under way an investigation of the cost of transportation to determine the average cost per mile and the average cost per pupil transported.

✣

Schenectady Bureau of Municipal Research.—The Bureau has just completed its final report on Schenectady's purchasing which was found to be very much decentralized. The report was examined by a committee of General Electric purchasing officers and also by Russell Forbes, secretary of the National Municipal League. Owing to the fact that a great mass of conflicting law will prevent such action, very little can be done at the present time to centralize the work of Schenectady's four buying agencies. However, the report will serve a highly useful purpose as a strong indictment of a governmental structure that will permit such diffusion of responsibility and effort.

The Bureau is working on a plan for the coordination of local welfare work. It is planned to visit a number of cities in order to examine their systems of administering welfare.

Members of the local legislative body have expressed themselves as being highly in favor of the revision of the present laws governing delinquency in taxes and assessments. The Bureau at the present time is drafting a local law on that subject which will shortly be presented to the council for its action.

The Chamber of Commerce and the Bureau have protested against the costliness of the proposed new municipal building and have asked the mayor to appoint a committee of technically-qualified citizens to work with the administration in an attempt to lower the cost of the structure. The mayor has assented to this request, and it is hoped that a satisfactory agreement will be reached on the matter.

✣

Utah Taxpayers' Association.—A representative of the Utah Taxpayers' Association was asked to address the Greater Omaha Association at Omaha, Nebraska, on October 14, to explain the plan of organization and method of operation in force in Utah. Fifty of the most influential men of that community met and are now planning to launch what will be known as the Nebraska Taxpayers' Association.

County and city budgets are now being prepared by budget officials, to whom the local committees of the Utah Taxpayers' Association are giving helpful assistance.

NOTES AND EVENTS

EDITED BY H. W. DODDS

Charter Forces Victorious in Cincinnati.—The cause of progressive, non-political city government again has triumphed in Cincinnati.

That is the outstanding result of the municipal election November 5. For the third successive time the people have refused to return the city government to the control of the famous political machine founded more than forty years ago by Boss Cox. Prior to the advent of the charter movement no "reform" administration had ever been reëlected in Cincinnati.

The election this year was a fight, as in the two preceding city elections, between the City Charter Committee, a citizens' non-political body, and the old Republican machine of Boss Cox's successors. Because of the heavy vote the count was not finished until November 12. The committee won six of the nine seats. The independents in the council race as usual proved of minor importance in the general result. Cincinnati's present city charter, established with the backing of the City Charter Committee in 1924, provides for a council of nine members elected by proportional representation, with a city manager under it.

The City Charter Committee carried the recent election by 78,545 votes against 50,919 obtained by the candidates of the old organization, not counting independent and ineffective ballots.

The Charter Committee, which is simply a volunteer body organized to keep the city hall out of the hands of professional politicians, based its campaign on the record of four years of charter administration and on the character of its candidates, all of whom were business or professional men of high standing.

The old machine based its campaign originally on a written platform and on nine candidates, eight of whom were former officeholders. The platform promised to do as well as the charter administration *had* done, while at the same time throwing as much mud as possible on the charter administration's record. While the campaign was still young, however, the organization found that the satisfaction of the public with charter performance made mud-slinging dangerous, so a new plank was added professing an extravagant affection for Colonel C. O. Sherrill, the city manager. The machine candidates meanwhile worked industriously at back-slapping and baby-kissing.

An interesting angle of the election is the fact that the few business men on the machine ticket again were slaughtered by the bolivars of the old organization, just as they had been two years ago. The bolivars will not have them, apparently. If the organization can hold together until 1931 it will have even greater difficulty, it is to be presumed, in getting business men on its ticket than it had this year.

The extent of the gang debacle is attested specially by the open admissions of machine leaders and candidates that the unpaid, volunteer charter organization was able to cover the city more thoroughly and efficiently in this campaign than their own paid professionals. The significance of this lies in the fact that only five years ago the local Republican organization was proclaimed as the most perfect city machine in the country.

David S. Austin.

✦

Cleveland Elects Promising Council.—For the first time since the introduction of the manager plan, Cleveland will have a city council not definitely dominated by Maurice Maschke and the old guard of the Republican party. The usual Republican majority of sixteen, and often seventeen, votes has been reduced to thirteen—a bare majority. Three of the thirteen have independent leanings. Two were endorsed by the nonpartisan Progressive Government Committee. The opposition is comprised of twelve councilmen elected with the support of the Democratic party, the Progressive Government Committee and independent voters. Of these, eleven are nominally Democrats and one Republican.

The calibre of the new council, as a body, is much higher than in recent years. Phillip W. Porter of the *Plain Dealer* describes it as "easily the best ever elected." There are a number of able independents in the opposition and a few, even within the ranks of the Republican party itself, who are not always regular. It is significant that nine of the G. O. P. old guard, many holding key positions in the present council, are replaced. Hence the Republicans will be forced to make some drastic changes in their councilmanic leadership, and the indications are that their control will be constantly threatened, since the Democratic-Independent coalition will need only one additional vote to throw the balance of power in its favor.

The proportional representation count was completed within four days after the election, with the vote transfers developing some exciting contests and a number of upsets. The new board of elections deserves credit for conducting what was generally admitted to be a careful, honest, and expeditious count of the ballots.

The factors making possible the changed personnel and the improved calibre of the council merit consideration. Three of these are outstanding: the proportional representation system of voting, the organized opposition to the machine rule of the G. O. P., and the voters' reaction to the councilmanic scandals and election frauds. In the opinion of the writer, there are at least a half dozen of the new councilmen who would not ordinarily be supported by the regular party organizations and whose candidacies and elections were made possible by proportional representation.

The constant publicity concerning the playground and other scandals involving prominent Republicans regulars, as well as the election frauds, hurt many of the G. O. P. candidates. The recent capture of H. G. Atwater, implicated in the playground deal that sent ex-Councilman L. G. Schooley to the state penitentiary for five years, resulted in the indictment of City Clerk Fred W. Thomas, prominent in Republican organization politics, and Councilman W. E. Potter, another well-known Republican regular. Another pre-election event was the conviction of six more election booth officials for frauds that occurred in the August, 1928, primaries. These events served to renew the memory of the earlier scandals and of the type of politics the Republican leaders were excusing and defending.

However, the most significant event was probably the formation of the non partisan Progressive Government Committee. This committee, after its successful defense of the city manager charter in August of this year, put up a complete slate of candidates for council. It had a working agreement with the re-vitalized Democratic party and endorsed fourteen of its candidates and two on the Republican slate. Twelve of the Progressive Government Committee's endorsees were elected. It is not certain at this writing whether this committee will become permanent as is the case in Cincinnati and Kansas City. It was the first organized attempt to strengthen the operation of the manager plan by working for an able and sympathetic council. To date, at least, this committee has been instrumental in turning back the recent attempt to repeal the manager charter and in changing the council personnel for the better.

There are rumors to the effect that both party leaders, Maurice Maschke and W. Burr Gongwer, may resign. City Manager Hopkins seems to have broken definitely with Maschke and has hinted that he may resign. The new council will have a strong anti-Hopkins faction led by the Republican regulars anxious to remove him from office. Peter Witt has indicated a willingness to lead a new movement to repeal the manager charter and also to reform the Democratic party. Present events indicate lively times ahead in local politics.

Randolph O. Huus.

✤

New York to Keep Walker for Four Years More.—New York City's mayorality election furnished little surprise. The amiable Jimmy Walker snowed under his Italian-American opponent to the tune of 497,155, the largest plurality yet attained by Tammany. Nor was there surprise in the 174,931 polled by Norman Thomas, last year's Socialist candidate for President. Though the Socialist vote reached double its normal mark, doubtless due to Thomas' strength, his own vote was almost twice this, or four times the Socialist par. This additional vote came from high-class districts in many of which Thomas ran six times stronger than his ticket.

La Guardia brought Italian votes to his ticket. It is possible to show that the straight Republican vote in certain districts exceeded the Hoover vote of last year. He also received some 20,000 votes which his ticket failed to get, all in Italian neighborhoods. On the other hand, there were some 42,500 votes for his ticket which were withheld from him, causing him to finish 22,500 net behind his running mates. The figures indicate that this loss went largely to Thomas. Walker likewise finished 25,000 behind his team-mates, which accounts for the remainder of Thomas' vote. Mr. Enright, Mayor Hylan's dauntless police commissioner, also ran for a 5,900 gross.

The La Guardia fiasco bears many tempting analogies to the Smith campaign of last year. In each the minority, "rough-neck" element demanded of their minority party, which is normally content to lose with a dignified stuffed-shirt, a chance to carry the party banner. In each instance the strategy, if strategy it could be called, rested on the theory that the racial or class following of the candidate added to the normal party vote spelt victory, and in each instance the latter ran out leaving the candidate and his followers high and dry. Even the tactics with which the "ins" met the unusual attack are reminiscent of last year. They suggest the old rule, "when the other fellow's got the goods, stand on your dignity." La Guardia and Smith both found themselves frustrated by their opponents' refusal to discuss issues with them. And finally in each instance the dénouement finds the minority party bankrupt not only financially—for in both cases the candidates appear to have spent three times as much as they were able to raise—but bankrupt of leadership and hope for the future as well.

This tidal wave has left the Republicans with but four aldermen of the city's board of sixty-five. The quartette consists of two Negroes from Harlem, an Italian from the uptown Little Italy, and a banker from the blue-blooded "Fifteenth," a very upstage sort of person. All of these are from Manhattan. In the new board there will not be a single Republican member from any of the other four boroughs. There is one other noteworthy personal triumph. George U. Harvey, slayer of the sewer dragon, was again elected as president of the Borough of Queens with a seat on the board of estimate. His election is certain to spell the doom of the Republican boss of Queens who fought him tooth and nail in the primaries and will now be without a single shred of patronage unless Washington comes to his rescue.

Indeed, everything points to a general Republican house-cleaning and renovation which will probably eliminate Sam Koenig and Jake Livingston who, with DeBragga of Queens, have ruled the roost for twenty years. And while the Republicans are thus engaged it might not be amiss for the Socialists and the civic organizations of the city to take counsel with themselves or with each other as to what might be done to establish a vigorous, intelligent, and independent opposition party in the city.

JOSEPH MCGOLDRICK.

Boston Again Proves Faithful to Curley.—According to the Boston charter, no mayor is allowed to succeed himself. On leaving office in 1925, Mayor James M. Curley began at once to perfect his plans for the campaign in 1929. Probably his most popular move was his effort in behalf of Governor Smith in the national election of 1928. When the latter carried the city of Boston by a plurality of nearly 100,000, Mr. Curley claimed the lion's share of the credit.

So strong was Mr. Curley's groundwork for the city election that no candidate seemed willing to oppose him. Finally a week before the closing date for filing nomination papers, Frederick W. Mansfield, president of the Massachusetts Bar Association, also a Democrat, was persuaded to enter the fight. He was promptly endorsed by the Good Government Association. A third candidate, Daniel H. Coakley, a disbarred attorney, also declared his candidacy.

At the outset it was conceded that Mr. Mansfield stood little chance of election. Campaign buttons were given out by the Democratic City Committee bearing the slogan, "Vote for James M. Curley, Al Smith's friend." Mr. Curley had apparently limitless funds at his disposal for advertising purposes, and the most energetic billboard and radio campaign ever staged in this city was carried on in his behalf.

Mr. Mansfield's campaign was necessarily more modest in proportions, and was directed primarily to attract Democratic support, under the slogan, "Hasn't Curley had enough?" It was felt that the natural antagonism towards Mr. Curley on the part of Republicans as well as the endorsement of the Good Government Association would be sufficient to attract Republicans to Mr. Mansfield's banner.

Two "breaks" in the campaign materially assisted Mr. Mansfield. Three weeks before election day the nomination papers of all three candidates were protested. A hearing was held before the Ballot Law Commission, which is composed of the four election commissioners and the chief justice of the municipal court, sitting as chairman of the commission. Evidence was submitted by Mr. Curley's representative to show that twenty names on Mr. Mansfield's papers were invalid; then Mr. Curley withdrew his protest, and asked to read a statement, explaining his action. The Ballot Law Commission, after reading the statement, decided it was irrelevant, and excluded it from the hearing. In defiance of the chief justice and the commission, Mr. Curley commanded that it be read, and the hearing broke up in a near riot. This defiance of the commission, needless to say, materially assisted Mr. Mansfield.

The second "break" was a scathing and unwarranted attack by Mr. Curley on Mrs. Jennie Loitman Barron on election eve. As a member of the school committee, Mrs. Barron had a considerable following throughout the city, particularly among the women voters.

In spite of these two "breaks," Mr. Curley's careful preparation for the campaign over a period of four years and his great personal popularity turned out to be the deciding factors. The result was:

James M. Curley..........	116,463
Frederick W. Mansfield	96,946
Daniel H. Coakley........	2,868

Although defeated, Mr. Mansfield polled a larger vote than any candidate for mayor in any previous election in this city.

L. O. Pratt.

✤

Detroit Elects Bowles.—Charles Bowles, lawyer, aged 46, a new and untried executive, was elected mayor of Detroit, November 5, defeating ex-Mayor John W. Smith by margin of 8,500 votes in a total of 252,465. It was Bowles' third attempt, and his third contest against Smith, who beat him in 1924 and again in 1925. After the primary vote, October 8, in which Mayor Lodge ran third, the campaign waxed hot, with personalities and side issues multiplied toward its close. Bowles attacked Smith's mayoralty record, and daily reminded voters of Smith's connection with a Windsor race track "gambling" outfit; he also recalled Smith's statements ridiculing the eighteenth amendment.

A major issue was that of law enforcement against blind pigs and gamblers. Bowles promised to discharge Police Commissioner Rutledge, an appointee of Smith during his previous term, and this question swayed a large proportion of Protestant church leaders, besides women who demanded a closer lid on the town. Compared with Mayor Lodge, a proved expert in municipal affairs, and Smith, who had shown some initiative as mayor, Bowles is of the judicial type, having served till recently as judge of the municipal court. The question now raised is whether he will be, as promised, "a man of action." His chief strength thus far has been as a vigorous campaigner and a man of manifest honesty, sincerity, and clean life.

A basic factor hardly mentioned in the campaign was the county and state political complex behind Bowles and Smith, each being supported by Republican party factions interested in the wider field of state patronage and control as contrasted with Lodge, who was clearly nonpolitical, and who, as in 1927, made no campaign for the nomination. Governor Green is supposed to have won a personal, political victory in the election of Bowles, though what it may amount to will depend on the new mayor's course.

Detroit's excellent election system was maintained, clean and accurate, by reëlection of City Clerk Reading. More significant was the reelection of eight of the nine city councilmen; a campaign of attack against the council had been waged by the Detroit *Free Press*, whereas the voters evidently agreed with the Detroit Citizens' League that the council was worthy of reëlection. The *Free Press* also supported Smith, while Bowles had no newspaper support, and the Citizens' League made no recommendation on the mayoralty after the primary.

W. P. Lovett.

✤

The Buffalo Election.—Buffalo's "happy warrior," Frank X. Schwab, mayor for the past eight years, went down to defeat in a closely contested but uninteresting election in Buffalo on November 5. It was the first mayoralty contest under the new city charter adopted two years ago, Mayor Schwab having held over for the balance of an unexpired term.

Mayor Schwab entered his name in the primaries of both Republican and Democratic parties last September. Himself a staunch Republican, he hoped to capture the Republican nomination even though he failed to secure the endorsement of the Republican executive committee. He received in the primaries only 19,000 Republican votes to his opponent's 46,000, but he surprised even his close friends by winning the Democratic nomination. The Democratic organization, smarting under the humiliation of having an acknowledged but repudiated Republican at the head of their ticket, offered him little support in the final campaign.

Charles E. Roesch, organization candidate on the Republican ticket, who finally emerged as winner, conducted a dignified campaign, stressing the heavy tax burden and promising an economical, businesslike administration. Mayor

Schwab vigorously defended his past administrations, repeatedly challenged his opponent to debate the tax issue publicly (the challenges were ignored), and hurled broadsides at "Boss Bradley," chairman af the Republican organization.

Frank C. Perkins, president of the council, was a candidate on the Socialist ticket. The Buffalo Municipal Research Bureau participated actively in the campaign, emphasizing the "issues of good government" that were at stake, no matter who was elected. The campaign as a whole lacked spirit and enthusiasm. Of the 155,000 votes cast, Mr. Roesch received 77,000, Mayor Schwab 70,000, and Mr. Perkins about 8,000.

Thus passes, temporarily at least, the most colorful and picturesque figure that ever occupied the mayor's chair in Buffalo, and Mayor-elect Roesch will enter office as the recipient of greater powers and responsibilities than any of his predecessors ever enjoyed.

Harry H. Freeman.

⁂

Voting Machines Adopted in Pennsylvania.—Voting machines, for which the friends of clean and honest elections have fought for more than a decade, will soon be an actuality in Pennsylvania. In the election on November 5 the people in nine counties of Pennsylvania and in sections of twelve other counties determined to replace the present paper-ballot system with voting machines. Inasmuch as the law requires the county commissioners to proceed immediately to the purchase of machines with the proviso that unless they do so within a year the secretary of the commonwealth will execute the contract and send the bill to the county, it is quite likely that voting machines will be in operation in different parts of Pennsylvania before the end of next year.

In the late election voting machines were authorized by the people in referenda in Philadelphia, Pittsburgh, and the so-called hard-coal regions of which the city of Scranton is the center. It is from these sources that much of the corruption and false counts which have discredited Pennsylvania's elections have come, so that there is now the definite promise that elections in the "Keystone" state will be more nearly a correct register of the people's will.

The nine counties which adopted voting machines for the whole of the county are: Allegheny, Cambria, Delaware, Erie, Fayette, Luzerne, Lackawanna, Philadelphia, and Schuylkill. The cities, boroughs, and townships in the twelve other counties which adopted voting machines are Philipsburg, Dubois, New Cumberland, East Pennsboro, Brookville, Lancaster, Elizabethtown, Allentown, Bethlehem, Sharon, Grove City, Farrell, Greenville, Sharpsville, Burnham, Barrett, Sunbury, Northumberland, Shamokin, Mount Carmel, Meyersdale, and Warren.

The adoption of voting machines by this comparatively considerable number of smaller units was somewhat in the nature of a surprise. More than half of the population of Pennsylvania, through their voting representatives, ordered the installation of voting machines.

The campaign in Philadelphia was led by the Committee of Seventy of which Thomas Raeburn White, for more than a quarter of a century a leader in public affairs in Philadelphia, is chairman. Throughout the state the campaign was led by the Pennsylvania Elections Association, a state-wide organization originally inspired by the ideals of the Committee of Seventy. Franklin N. Brewer of Delaware County is president of the state association, while Mr. White is one of the vice presidents.

It is an interesting fact that the late election was the culmination of a campaign in which no time was lost so far as official procedures were concerned. The necessary constitutional amendment was first introduced in the special legislative assembly in 1926 and was passed through that assembly and the assembly of 1927. In the fall of 1928 the amendment was made part of the constitution by a popular vote. In the 1929 assembly enabling legislation, drafted under the supervision of Mr. White and placed on Governor Fisher's legislative program, was passed and then came the late election.

Thomas J. Walker.

. . . Many cities and towns have paid for voting machines out of savings effected. Your community can do likewise and at the same time obtain more efficient conduct of elections.

Automatic VOTING MACHINE
CORPORATION
JAMESTOWN ~ NEW YORK

Proportional Representation

BEST BASIS FOR THE
CITY MANAGER PLAN

Takes the monopoly of government from political machines and gives representation to all voters on equal terms. Used in Cleveland, Cincinnati, and other American cities. Recommended in the model city charter of the National Municipal League.

For information write to the

PROPORTIONAL
REPRESENTATION
LEAGUE

311 South Juniper Street
PHILADELPHIA

Published August 14, 1929

REGISTRATION OF VOTERS
IN THE
UNITED STATES
By Joseph P. Harris

Registration of Voters in the United States brings together the results of fifteen months of field study, during which the author visited over thirty states and practically every large city in the country. The registration system of each state was surveyed in a systematic manner, with a view to finding out what light it would throw upon the subject and to discover how every feature of the law of each state worked in actual practice. The practical workings of existing registration laws were thoroughly investigated and the principles of sound administration deduced from them. The surveys included in this volume were made with the thought that an ideal system would consist of the best features of many systems. In addition to this, equal attention was given to features which worked badly in actual practice and should be avoided.

408 pages. Octavo. Cloth. Price $3.00

Sold by

NATIONAL MUNICIPAL LEAGUE

261 Broadway, New York

RUMFORD PRESS
CONCORD

CURRENT PUBLICATIONS OF THE NATIONAL MUNICIPAL LEAGUE

A Model City Charter	50 cents
Loose-Leaf Digest of City Manager Charters	$7.00
Pocket Civic Series	10c each, $5.00 per hundred

1. The Short Ballot.
2. The Story of the City Manager Plan.
*3. Criminal Justice.
4. The County Manager Plan.

A Model State Constitution	25 cents
A Model Bond Law	25 cents
A Model Municipal Budget Law	25 cents
A Model Registration System	35 cents
Technical Pamphlets†	25c each, $15.00 per hundred

1. The Assessment of Real Estate.
2. Administrative Consolidation in State Government, (35c).
*3. Zoning.
*4. Employment Standardization in the Public Service.
5. The Law of the City Plan.
6. Administrative Reorganization in Illinois.
7. Service at Cost for Street Railways.
8. State Parks (illustrated).
9. Modern City Planning.
10. Special Assessments for Public Improvement.
*11. Pensions in Public Service.
*12. Minor Street Privileges as a Source of Municipal Revenue.
13. State Welfare Administration and Consolidated Government.
14. New Charter Proposals for Norwood, Mass.
15. Employment Management in the Municipal Civil Service.
*16. The Constitutionality of Proportional Representation.
17. The Administration of Gasoline Taxes in the U. S.
18. Electric Light and Power as a Public Utility.
19. Land Subdivisions and the City Plan.
20. Municipal Salaries Under the Changing Price Level.
21. German Cities Since the Revolution of 1918.
22. Standards of Financial Administration.
23. Airports as a Factor in City Planning.
24. Electricity in Great Britain.
25. Fitz-Elwyne's Assize of Buildings.
26. Federal Aid to the States.
27. Board of Estimate and Apportionment of New York City.
28. Five Years of City Manager Government in Cleveland.

The National Municipal League Series of Books

1. A New Municipal Program. $3.10.
2. Experts in City Government. $3.10.
3. Municipal Functions. $3.10.
4. City Planning. $3.50.
*5. The Social Center. $2.60.
6. The City Manager. $3.10.
7. City Government by Commission. $3.10.
8. Excess Condemnation. $3.10
*9. The Regulation of Municipal Utilities. $2.60.
10. The Initiative, Referendum and Recall. $3.10.
*11. Lower Living Costs in Cities. $2.60.
12. The County. $2.10.

The National Municipal League Monograph Series

*1. Municipal Budgets and Budget Making. $1.60.
2. Merit System in Government. $1.10.
3. The President's Removal Power Under the Constitution. $1.50.

* These can no longer be supplied.

† Excepting Administrative Consolidation in State Governments.

NATIONAL MUNICIPAL REVIEW

261 BROADWAY, NEW YORK

Annual Subscription $5.00

Free to Members of National Municipal League